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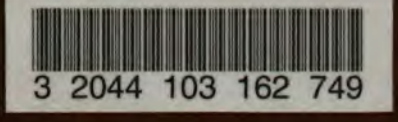
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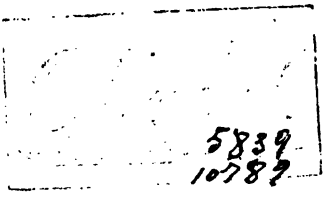
THE MONROE MISSION TO FRANCE

1794—1796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THE MONROE MISSION TO FRANCE

1794—1796

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PREFACE.

The Monroe mission to France, 1794–96, was one of the most important incidents in the early history of the United States. Upon this subject the Diplomatic Archives of the Department of State and the voluminous Monroe Papers in the Library of Congress have recently thrown open much material. Portions of the papers have been published, but the historians of this period do not appear to have made complete use of this mass of manuscript. President Gilman, in his excellent biography of Monroe, has given an impartial account of this episode, but the scope of the work, covering as it does the whole of a long career, imposes important limitations upon the treatment of a single period. A careful perusal of the manuscript sources reveals additional material which has an important bearing upon the inner history of the mission. It is the aim of this study to present a more detailed account of this diplomatic incident, in order that the circumstances and the motives of the actors may be more definitely established.

The author wishes to express his obligation to Professor Andrew C. MacLaughlin, who first suggested to him that the Monroe Papers would prove a fruitful source for historical investigation. Much aid in the present study has been afforded by the criticisms of Dr. J. C. Ballagh of the Johns Hopkins University, and of Mr. Stanislaus Murray Hamilton of the Department of State. The latter's edition of the Writings of Monroe has proved invaluable. Professor J. M. Vincent of the Johns Hopkins University has lent his kindly interest to the work, while Dr. Franklin L. Riley of the University of Mississippi has given valuable suggestions on the relations of Monroe to the Spanish negotiations. A paper on this subject, which embraces portions of this work, will appear in the forthcoming volume of the Mississippi Historical Society.

TABLE OF CONTENTS.

PAGE

1. INTRODUCTION.
   - Situation upon Monroe's appointment 9
   - Appointment of Monroe 10

2. FIRST PERIOD: From the Appointment of Monroe to the Definite News of Jay Treaty, May 8, 1794–January 5, 1795.
   - Monroe's instructions 12
   - Monroe's reception in France 15
   - Demands of redress for commercial grievances 20
   - Negotiations with Spain 23
   - Protection of American citizens 27
   - Consular situation in France 27
   - Summary of first period 29

3. SECOND PERIOD: From the Receipt by the French Government of Definite News of the Jay Treaty to its Ratification by the President, January 5–August 19, 1795.
   - Jay treaty 30
   - Negotiations with Spain 36
   - Negotiations with Algiers 41
   - Proposals concerning Malta 42
   - Consular situation 42
   - Monroe's defense of his public reception in France 44
   - Monroe's criticism of the policy of the United States toward France 45
   - Randolph's defense of the conduct of the administration toward France 50
   - Monroe's efforts to restrain the French irritation 53
   - Summary of second period 55

4. THIRD PERIOD: From the Ratification of the Jay Treaty by the President to the End of the Monroe Mission, August 19, 1795–December 27, 1796.
   - Retaliatory measures of the French government 57
   - Neglect of Monroe by the American government 58
   - French complaints against the United States 59
   - Monroe's answer 59
   - Negotiations with Algiers 65
   - Protection of American citizens in France 68
   - Further retaliatory measures of the French government 69
   - Pickering's attitude toward Monroe 72
   - Recall of Monroe 75

Attitude of Monroe toward France..... 76
Causes of Monroe's recall..... 77
End of Monroe's mission..... 79
5. CONCLUSION.
Official explanation of Monroe's recall..... 82
Charges of Robert Goodloe Harper..... 86
Defense by Dr. Enoch Edwards and Monroe..... 87
Monroe's View..... 91
Washington's criticisms..... 93
Effect of Monroe's View..... 96
Position of Washington with reference to the Monroe mission 99
Monroe's observations on the Jay treaty..... 100
Final estimate of the mission..... 101

THE MONROE MISSION TO FRANCE, 1794–1796.

INTRODUCTION.

In 1794 the troubles of American commerce had greatly increased. France, flushed with successful Continental campaigns, was engaged in the struggle with England, while the United States endeavored to preserve a strictly neutral attitude. This was a most difficult course, for both contending parties were constantly seizing American vessels and confiscating their cargoes. A further complication lay in the existence of a pro-British sentiment among the Federalists, the party in power in the United States, while the Anti-Federalists were equally ardent advocates of a close alliance with France. The Senate, representing the more conservative element, was probably inclined to Great Britain, while the House of Representatives, sharing the popular opinion more generally, strongly favored the French Republic. To meet this crisis, and effectually to protect American commerce without being forced into war with either France or England, formed a most difficult task for the administration.

As an avowed supporter of the monarchical régime, Gouverneur Morris, the American minister at Paris, was most unpopular with the republican government of France. When his recall was officially demanded, it was deemed essential to appoint a minister whose friendship for the French Republic was well known. To find such a man the government must look in the ranks of the Anti-Federalists. First, Robert Livingston declined the appointment; next, after considering Aaron Burr, the President offered the post to James Monroe, a native of Virginia and a Senator

of republican proclivities that would render him especially acceptable to France. In making this appointment the administration was undoubtedly aware of Monroe's opposition to the rather pro-British policy of the Federalists. Already he had taken a decided stand in the Senate, remonstrating with Washington when it was rumored that Hamilton would be sent as envoy extraordinary to Great Britain.[1] Nor did the administration hesitate to acknowledge that the appointment of Monroe was forced by the exigencies of the situation. In the letter recalling Gouverneur Morris the Secretary of State intimated that the change was not due to personal dissatisfaction on the part of the President.[2] The natural inference from this statement is that the administration wished Morris to know that his retention was preferred and that his recall had been forced. A letter from the Secretary of State, criticising severely Morris' correspondence as hostile to the French Republic, shows, however, that Washington saw the absolute necessity of a change.[3]

Washington issued Monroe's credentials as minister to France on May 28, 1794. As the credentials stipulated that the office was to be held at the pleasure of the President,[4] it followed that the minister might be recalled at the executive discretion without the right to demand explanations. This condition of the appointment assumed additional importance in the controversy that followed Monroe's recall. After much deliberation Monroe decided to accept the difficult task.[5] In his letter of acceptance he promised to employ his utmost endeavors to promote the honor and credit of the administration.[6] In entering upon the mission,

[1] Monroe to Washington, April 8, 1794, Writings of Monroe, 1, 291–92.
[2] Secretary of State to Gouverneur Morris, April 27, 1794, Instructions, 2, 72–3.
[3] Edmund Randolph to Washington, January 26, 1794, Washington Papers, 80, 14.
[4] Credences, 1, 37.
[5] Monroe to Thos. Jefferson, May 27, 1794, Writings of Monroe, 1, 299–300.
[6] Monroe to Washington, June 1, 1794, Writings of Monroe, 1, 301–2.

therefore, Monroe as a man of probity had expressed his wish to support the administration. Yet elements of discord are to be found at the very outset. A leader of the party opposed to the Anglo-American policy of the administration was to be sent to France, a country with which he was known to be decidedly in sympathy. The most delicate and subtle diplomacy was necessary to prevent such a minister, who had been practically forced upon the American government, from being betrayed by his intense sympathies into acts that would be construed as hostile to the administration that had sent him. The appointment of Jay, a Federalist in sympathy with a pro-British policy, as envoy extraordinary to Great Britain rendered Monroe's position all the more difficult. In carrying out its policy of seemingly strict neutrality, the American government had appointed representatives to England and France, each acceptable, as the representative of a great party in the United States, to the country to which he was accredited, each with instructions to secure the redress of grievances. Such a course was practically impossible, and was almost certain to end in a clash between the two ministers.

The mission into which Monroe entered falls into three distinct phases:

First. From the appointment of Monroe until the French government announced the receipt of definite news of the negotiation of the Jay treaty, May 28, 1794–January 5, 1795.

Second. From the definite news of the Jay treaty to its ratification by the President, January 5, 1795–August 19, 1795.

Third. From the ratification of the Jay treaty by the President to the end of the Monroe mission, August 19, 1795–December 27, 1796.

A conclusion as to the different questions bearing upon the mission will also be given.

FIRST PERIOD.

From the Appointment of Monroe to the Definite News of the Jay Treaty, May 8, 1794–January 5, 1795.

As giving the main issues to which he should devote his attention, the official instructions to Monroe are most important. Above all, he was charged, in assuring France of the firm friendship of the President, to say that the United States did not recognize the right of foreign intervention in the affairs of the French Republic, and that the President extended his best wishes for the accomplishment of the Revolution. At the same time, the strict neutrality of the United States must be declared. The next part of the instructions significantly enjoined Monroe to obviate industriously any impression that Fauchet might have made by circulating reports of two parties in the United States, one republican and friendly to the French Republic, and the other monarchical, aristocratic and anti-Gallican. This injunction betrays especially the anxiety of the government to remove any suspicion of a pro-British policy.

Another important passage explicitly prohibited Monroe from negotiating a treaty of commerce, and from committing the United States to any specific declarations except where he was instructed. Compensations for spoliations and for the seizure of vessels at Santo Domingo must be insisted upon. If possible, the coöperation of France was to be secured in the negotiations for a treaty with the Dey of Algiers and in the adjustment with Spain of the Mississippi question. Obviously this part of the instructions was hard to fulfill. Without betraying the least sign of what the Federalist administration would consider undue complaisance, Monroe was to show the confidence of the United States in the French Republic and to obtain aid in important negotiations. He was, therefore, placed in the rather em-

barrassing position of obtaining favors without making any reciprocal engagements.

In regard to Jay's mission the instructions were explicit. Suspicions of the motives of this mission were anticipated, and Monroe was told to assure the French government that Jay would make no engagements conflicting with those existing between the United States and France. Furthermore, he was to declare the motives of this mission to be to obtain immediate compensation for plundered property and to secure the restitution of the western posts. The utmost attention to this matter was enjoined, and Monroe was charged to deny with firmness any intimation of the least intention of the United States to sacrifice the connection with France in favor of one with England.[1] In the light of after events these instructions assume an added importance. Comparing the secret instructions to Jay, which of course Monroe did not see, with this statement, it is found that, besides the points revealed to Monroe, Jay was authorized to negotiate a treaty of commerce with Great Britain which would include stipulations that free ships make free goods and that there should be reciprocity of trade in navigation to the West Indies. These instructions do not actually conflict with what had been revealed to Monroe, but as Jay, except that he was to make no engagement invalidating the obligations to France, was given a wide latitude in negotiating the treaty, there was great danger of a conflict according to the way he should interpret the stipulations of the French treaty.[2] Whether intentionally or not, the instructions had revealed to Monroe only a part of Jay's real powers. From his instructions, therefore, Monroe was left in ignorance as to the proposed treaty with Great Britain, and was even led to believe that such a step was not contemplated. Furthermore, he was to impress this view of the Jay mission upon the French government. Yet, despite these instructions, he seems to have had an inkling of the truth. He could hardly suppose that an envoy extraordinary would

[1] American State Papers, 1, 688–89.
[2] Jay Correspondence, 4, 10–21.

be sent merely to push the claims for spoliation and to insist upon the evacuation of the western posts.[3] This very suspicion must have increased the difficulty of his task. He himself was to gain everything possible from the friendship of France, while he could make no specific engagements and must suspect that he was practicing deception.

The course taken by the administration with reference to the Jay mission is open to criticism. The United States had a perfect right to conceal from France the real objects contemplated in sending an envoy extraordinary to England, but Monroe's instructions denied by implication that a treaty was contemplated. Doubtless it was feared that Monroe's French sympathies might make him indiscreet if the whole truth were to be revealed. There appears to have been a deliberate purpose to blindfold France in regard to the Jay mission and to employ Monroe, the minister who had been forced upon the government, as a means to this end.

It would appear as if every effort was made to remove any suspicion on the part of Monroe that he had been forced upon the administration, or that any pro-British policy was contemplated. At the outset the words of the administration were outwardly most friendly, for even Hamilton, the leader of the pro-British party, expressed his good wishes for the success of the new minister.[4] Also, the Secretary of State, Randolph, assured Monroe that the President, cherishing a desire for a close and friendly connection with France, had appointed him especially in view of his well-known sentiments in favor of the French Revolution.[5] But all these assurances did not suffice to dissipate the suspicion of the true objects of the Jay mission, which was strengthened by several letters that Monroe received from Anti-Federalist friends before his departure. Among others Robert R. Livingston and Thomas Jefferson wrote opposing the mission of Jay and advocating war with England. Jef-

[3] Monroe to Thos. Jefferson, May 4, 1794, Writings of Monroe, 1, 292–94.

[4] Alex. Hamilton to Monroe, June 11, 1794, Monroe Papers, 7, 904.

[5] Writings of Monroe, 3, 386–87.

ferson intimated that, if the executive involved the country in war with France, many citizens would refuse to serve.[6] So, while assured of the good wishes of the Federalists, Monroe left with the suspicions of his own political associates still ringing in his ears.

Monroe reached France August 2, 1794, just five days after the fall of Robespierre. The French government was in the utmost confusion. Moreover, the sincerity of the American friendship was very much doubted by several members of the Committee of Public Safety. Added to the evil already accomplished by the great unpopularity of Monroe's predecessor, Gouverneur Morris, was the suspicion of Jay's real purpose. It was even hinted that Monroe had been sent as a mere blind, and there was much doubt as to receiving him.[7] In so hostile an atmosphere only a man such as Monroe, whose friendship with France was well known, could have succeeded. After he had presented his credentials to the Committee on Foreign Affairs, he waited in vain for recognition. Despairing of receiving any attention in the confused state of French affairs, he then resolved upon one supreme effort. As the National Convention was the ultimate source of authority and represented the people, the great mass of whom, he had been assured, desired recognition, he addressed a note to the President asking that a day be appointed upon which to receive him.[8] This master-stroke met with success. The impulsive French officials resolved to welcome with open arms the representative of the great sister republic.

In contrast to the cold demeanor of the Committee of Public Safety, the Convention, with the warmth so characteristic of the French temperament, prepared to receive in their midst the American minister. This reception of Monroe on August 26 was most dramatic. Presenting his

[6] Robert R. Livingston and Thos. Jefferson to Monroe, March 13 and 22, April 18 and 24, 1794, Monroe Papers, 7, 897, 898, 899, and 902.

[7] Writings of Monroe, 3, 390–91.

[8] Monroe to President of the National Convention, August 13, 1794, Writings of Monroe, 2, 11–12.

letters to the Convention, he made a speech, perhaps a little too enthusiastic, emphasizing the benefits to be derived from a closer union of the two republics and his own readiness to do everything possible to promote harmony.[9] Although this address was rather more ardent than the instructions warranted, it was hardly so explicit as the resolutions he presented from the two branches of Congress. In answer to a letter from the Committee of Safety, the Senate expressed in general terms its friendship and its wish for the establishment of peace in the French Republic. The letter from the House of Representatives was much more cordial. The President had been instructed to write with *unequivocal assurance* of the friendship of the lower house. Following these instructions, Randolph, who, as Secretary of State, composed the answer, emphasized the affection of the United States for the French people as the champions of liberty, and declared that "The successes of those who stand forth as her (liberty's) avengers will be gloried in by the United States, and will be felt as the successes of themselves and other friends of liberty."[10] Surely nothing could be more expressive of an entire sympathy for France and a wish for her success, even in the struggle with Great Britain, than this last letter. The reply of the President of the Convention was exceedingly cordial, emphasizing the friendship that had existed between the two republics and especially the help that France had extended against Great Britain, "once so haughty, but now so humbled."[11] In conclusion the President gave Monroe the fraternal embrace. As a proof of their friendship, the Convention wished to provide Monroe with a house at the expense of the state, an offer which a provision of the constitution of the United States compelled him to decline.[12]

[9] Writings of Monroe, 2, 13–15.

[10] Secretary of State to the Committee of Public Safety, June 10, 1794, American State Papers, 1, 674.

[11] Reply of the President of the Convention, American State Papers, 1, 674.

[12] Monroe to Committee on Foreign Relations, August 22, 1794, Writings of Monroe, 2, 30. Cf. Foreign Relations of the U. S., 1876, October 23, 1876.

By this public reception Monroe had exceeded his instructions. Carried away by his sentiments in favor of the Revolution, in the enthusiasm of the moment he had definitely departed from the path of strict neutrality, and had committed the United States to a warm predilection for France. By his tacit consent to the words of the President of the Convention, Monroe had ranged himself upon the side of the enemies of Great Britain, and so had involved his country. While delicate negotiations with Great Britain were in progress, such a course was perilous and placed the American government in a most embarrassing position. Unless Monroe's action was disavowed, it would be impossible to maintain the attitude of strict neutrality. As a result Monroe now began to feel the displeasure of a hostile administration.

Several letters written by Jay to the President show the embarrassment which Monroe's public reception in France had produced in London. Doubt of the neutrality of the United States had arisen as a result of Monroe's speech[13] and of the letters written in accordance with the resolutions of Congress. Later Jay assured Washington confidentially that, had not the knowledge of the President's probity prevented such sentiments as those expressed by Monroe from being ascribed to his orders, the negotiations would have failed.[14] In another *private* letter Jay complained to Randolph that, while he had intentionally kept it out of his public letter, Monroe's speech had caused an uneasy sensation, not only in the public mind, but probably in the British Cabinet as well. Jay added that, despite his disinclination to call attention to these facts, he felt that his duty required him to do so.[15] Likewise in a private letter Randolph expressed to Jay his regret for the uneasiness caused the British ministry by the letters he had written at the instance of the two houses of Congress. He laid the blame for their fulsomeness upon the resolutions in accordance

[13] Jay to Washington, September 13, 1794, Jay Correspondence, 4, 58–60.
[14] Jay to Washington, March 6, 1795, Jay Corresp., 4, 162–63.
[15] Jay to Secretary of State, September 13, 1794, Despatches, 1.

with which he had tried to write them. At the same time he assured Jay of his friendship for England and of his hope that the treaty would speedily be concluded.[16]

The Secretary of State did not reveal to Monroe his intention to disavow as far as possible responsibility for the sentiments so publicly expressed before the French Convention. He wrote that, though his speech on this occasion had been the subject of much criticism, the President would await Monroe's account and a copy of the original before making further comments.[17] The fact that the correspondence with Jay was private, and was not printed when the rest of his letters were called for by Congress, is most significant. In view of the very ardent resolution passed by the lower house the administration would hardly have cared to present a complete and public disavowal of Monroe's indiscreet utterances. While he had in his speech gone somewhat beyond his instructions, there remained to be explained away the troublesome letter written in accordance with the resolution of the House of Representatives. Therefore, Randolph resorted to the expedient of informing the British government through Jay of the real views of the administration. This resolution of the lower house had revealed the wide-spread sentiment in America in favor of France which the government of the United States was so assiduously trying to disavow. In this dilemma the executive was merely reaping the fruits of the policy of secretly favoring Great Britain while outwardly preserving a strict neutrality. Indeed, even the Federalists, in view of these official letters, refrained from much open criticism of Monroe's conduct on this occasion, fearing that, if they indulged in such strictures, they would cast slurs upon the American government itself.[18]

In case the negotiations with Great Britain failed, it was

[16] Secretary of State to Jay, November 12, 1794, Instructions, 2, 233–37.

[17] Secretary of State to Monroe, November 17, 1794, Instructions, 2, 238–40.

[18] Jas. Madison to Monroe, December 4, 1794, Madison Papers, 5, 72, 73.

essential to maintain friendship with France. So, while this confidential correspondence was being carried on with Jay, the Secretary of State continued to urge Monroe to cultivate zealously the good will of France, and to remove every suspicion that a connection with Great Britain was preferred. Becoming confidential, Randolph expressed to Monroe his belief that the Jay mission was doomed to failure. In such a contingency he emphasized the necessity of retaining the friendship of the French Republic.[19] These letters show clearly an intention to retain the hold upon France lest the projected treaty with England fall through. Added to the private correspondence between Jay and Randolph, the evidence seems to point to a set purpose, at least on the part of the Secretary of State, to favor an understanding with Great Britain if it could be secured. Monroe, meanwhile, must be used to preserve peace with France. But even had there been no design of a commercial treaty with England, an attitude of strict neutrality required that Monroe should not have made his reception so public and thus committed the United States so firmly and openly to the French alliance. Doubtless if Monroe had known the full extent of the negotiation undertaken by Jay, as a man of discretion he would have been more guarded during so critical a time, and would have made his reception in France, if possible, quieter. Yet it is doubtful if, in the then confused condition of French affairs, a less bold step would have gained public recognition for the American minister. He himself suffered no qualms of conscience in regard to the matter. In giving an account of his reception he told Randolph that by this means he had tried merely to dissipate impressions of the unfriendly attitude of the United States toward France, and that he believed he had succeeded in restoring the confidence that had been lost.[20] In a later letter to Randolph, Monroe defended his conduct from the many criticisms that had arisen. In reply to the allegation

[19] Secretary of State to Monroe, September 25 and December 5, 1794, American State Papers, 1, 678, and 690–91.

[20] Monroe to Secretary of State, August 25 and September 2, 1794, Writings of Monroe, 2, 31–41.

that he had shown a marked partiality for France at this reception, he claimed that, under the circumstances, it was necessary to conciliate as well as to express decidedly the preference of the United States for France. If he had acted otherwise, he did not believe that he would have been successful. Indeed, he intimated that in the whole affair he had endeavored to follow the spirit of the Secretary's instructions. In view of the letter written in accordance with the resolutions of the House of Representatives, this statement is most plausible. This course, he added, he had felt more inclined to take as he had observed in France a greater inclination to be accommodating to the United States.[21] Monroe evidently had erred in interpreting too literally what he must have known to be contrary to the real spirit of the Federalist policy.

Despite any errors of judgment he may have committed in securing his reception, Monroe cannot be accused of neglecting the objects of his mission when once an understanding with the French government had been established. In a note of September 3, 1794, he complained that, by the seizure of American vessels, France had violated the stipulation of the treaty with the United States that free ships make free goods. He pointed out that with Great Britain the case was different, inasmuch as that country was not an ally, and had made no treaty regulations with the United States in this regard. Monroe also complained of the onerous commercial restrictions which required that permission be procured before an American cargo could be sold or a vessel sail from a French port. As a proof of friendship he asked that French ports be opened to American vessels. A decree having already passed for the relief of the sufferers by the Bordeaux embargo, Monroe requested that a similar indemnity for supplies seized at Santo Domingo be given. He materially weakened his position by adding that he had not been required to ask the withdrawal of this decree which had restricted American commerce, and that,

[21] Monroe to Secretary of State, September 15, 1794, Writings of Monroe, 2, 55–66.

if it was deemed beneficial to the French Republic, the United States would submit to it.[22] Such a statement was unnecessary and placed the United States in the position of asking a favor rather than of demanding rights already guaranteed by a treaty. The Secretary of State rightfully remonstrated against such a course, and declared that in no event should Monroe have spoken of submission to a decree which infringed upon the treaty.[23] Certainly diplomatic finesse demanded that this modification of his note should have been omitted.

With such an indiscreet weakening of his demands, it may well be understood that Monroe's note did not meet with immediate success, although he continued to press his demand upon the French government. The reports of the consuls, he said, showed a frightful picture of loss and difficulty. Above all, the release of American seamen who had been arbitrarily imprisoned must be procured. In a supplemental note upon American commerce Monroe endeavored to show the Committee on Foreign Relations that it was altogether to the interest of France to protect neutral commerce in order to obtain the supplies that would certainly be needed.[24] The Committee of Public Safety at last noticed these repeated requests by asking Monroe to put them in writing. When, in private conversation, a few members of the Committee asked Monroe if he insisted upon the execution of the treaty, he replied that he could say nothing beyond the observations already made. He admitted, however, that while it was to the interest of France to protect neutrals, the President had not instructed him to insist upon this particular point.[25] This answer, which should have been an evasion, was another mistake undoubtedly due to peculiar views of diplomatic frankness on Mon-

[22] Monroe to Committee of Public Safety, September 3, 1794, Writings of Monroe, 2, 55–66.
[23] Secretary of State to Monroe, December 2, 1794, American State Papers, 1, 689–90.
[24] Monroe to Committee of Safety, October 18, 1794, Writings of Monroe, 2, 88–96.
[25] Monroe to Secretary of State, November 7, 1794, Writings of Monroe, 2, 98–108.

roe's part. Doubtless his previous admission had caused the French government to ask the question in order to ascertain just what the United States would demand as distinguished from what was asked merely as a favor.

Monroe's diplomatic naïveté with regard to commercial grievances worked no harm. The Committee of Public Safety on January 7, 1795, transmitted to him an *arrêté*, copies of which had been sent to the Commission of Marine and Commerce. This important decree, issued upon Monroe's complaint of the spoliations to which American commerce had been subjected, ordered that means should be adopted to render to American navigators their full rights as citizens of a friendly nation. Moreover, the French government revoked the decree of May, 1793, which had ordered that French warships and privateers should take all neutral ships found in the ports of France that carried the goods of an enemy. Instead, the *arrêté* established the principles of the treaty of 1778, stipulating that neutral vessels were not to be disturbed even when citizens of hostile countries, except soldiers or sailors in actual service, were on board. The merchandise of hostile powers, however, was to be seized until French merchandise on neutral ships was made free. Provisions destined for hostile places might be seized only if the port was actually invested.[26] The former of these last two clauses was of course a retaliatory thrust at Great Britain. This *arrêté* is most important, marking the practical reëstablishment of the treaty of 1778. Despite mistakes, Monroe had succeeded in conciliating the French government sufficiently to procure a withdrawal of the obnoxious decrees against American shipping and to secure fair treatment for American seamen. A report of Fulwar Skipwith, the American consul-general at Paris, emphasizes the importance of this diplomatic achievement. In addition to a list of one hundred and three American vessels that had suffered by the Bordeaux embargo, there were one hundred and seventy claims for confiscated cargoes and for other

[26] Committee of Public Safety to Monroe, January 7, 1795, Despatches, 4, 156 and 170–72.

spoliations under the decrees which had been rescinded as a result of Monroe's negotiations.[27] Although actual payment of damages for past injuries had not been secured, the *arrêté* did away with future grievances of this kind. The French government had also promised to settle for the spoliations already made.

In accordance with his instructions Monroe also endeavored to obtain the help of France in adjusting with Spain the dispute over the navigation of the Mississippi River and the southern boundary of the United States. To appreciate fully the importance of these negotiations and the influence which Monroe exerted, it will be necessary to review the previous history of the controversy. The treaty of 1763 had defined the parallel of 31° and the northern boundaries of the Floridas as the southern limits of the English possessions. Also, it guaranteed to all British subjects the free navigation of the Mississippi River for its entire length. The Peace Treaty of 1783 confirmed these boundaries, conferring the privileges of navigation upon the citizens of the United States as well as upon those of Great Britain.[28] As the free navigation of the Mississippi River was all important to the people of the western country at this time, the American government considered that the assent of Spain to this stipulation should be secured as soon as possible. Accordingly, the Continental Congress in 1785 appointed John Jay plenipotentiary to negotiate with Spain a treaty establishing the right to navigate the Mississippi and fixing the southern boundary line. But evidently Spain did not view with favor the expansion of the new republic so close to her borders. The Spanish premier, Gardoqui, asserted that, as England did not have the right to give away such a privilege, the claim of American citizens to free navigation of the Mississippi River was ill-founded.[29] An un-

[27] Report of Fulwar Skipwith, October, 1794, American State Papers, I, 749–59.

[28] Memoir of Thos. Pinckney, August 10, 1795, American State Papers, I, 537–38.

[29] Jay's Commission, July 21, 1785; Gardoqui to John Jay, May 25, 1786, American State Papers, I, 248–49.

satisfactory agreement was reached between Jay and Gardoqui to the effect that American vessels should convey goods down the river to a fixed point where a magazine was to be established. There Spanish boats would meet them to cover the rest of the distance to New Orleans. Whether seagoing vessels might convey these products from this port was to form the subject of future negotiations.[80] This agreement, which was a virtual surrender of rights on the part of Jay, was not confirmed either by the United States or by Spain. The same fate met a proposed treaty which resigned for twenty-five years the right of the United States to free navigation. A very annoying situation thus arose. For all practical purposes American citizens possessed no rights of navigating the Mississippi River through Spanish territory.

With the growth of the western country, the necessity for free navigation greatly increased. Unless produce was carried over the Alleghany Mountains, or by the Great Lakes, the Mississippi was the only outlet. Also there was need for some port at which goods might be transferred from the small river craft to ocean-going vessels. By onerous tolls and restrictions placed upon American vessels descending the Mississippi, the Spanish governors of Louisiana continually evinced their hostility to the United States. The rapid increase in production rendered such a condition so intolerable that Kentucky and Tennessee even threatened to secede. The Spaniards tried to take advantage of this discontent in order to stir up rebellion against the United States. To save the situation, on January 11, 1792, Washington named William Carmichael and William Short commissioners to negotiate with Spain a treaty for the free navigation of the Mississippi by American citizens, for the free use of a port thereon, and for the establishment of the southern boundary.[81] Upon the arrival of the commissioners, they found Gardoqui much disinclined to listen to their

[80] Carmichael and Short to Secretary of State, April 18, 1793, American State Papers, I, 259–61.
[81] American State Papers, I, 131.

demands. Instead, he proposed to ratify the unconfirmed agreement with Jay.[82] As these terms were altogether inadmissible, the negotiations lagged greatly. As late as January, 1794, two years after the appointment of the commissioners, the Spanish government still evinced an utter indifference to the settlement of the questions in dispute with the United States.[83]

The failure of the negotiations with Spain and the continued interference with trade on the Mississippi by the Spanish governors produced much discontent in the United States. Goaded to fury by the slight attention which they believed had been paid to their interests, the inhabitants of the western country proposed to assert by force their rights to free navigation. In the spring of 1794 General George Rogers Clark tried to form an expedition with large detachments from Kentucky and the back country of South Carolina which should march south and open the Mississippi to their vessels. This expedition was secretly aided by Genet, the French minister to the United States, who even commissioned Clark.[84] The men engaged in the service were promised bounties from the lands in east and west Florida which, it was hoped, would be conquered from the Spaniards. The iron works in Kentucky cast cannon for the proposed invasion, while the citizens of Lexington subscribed to defray the expenses of the expedition.[85] Only the prompt action of the government in calling upon the governor of Georgia to use the militia of that state, if necessary, prevented the realization of these plans.[86] This incident showed the current sentiment of the western country and also showed the

[82] Carmichael and Short to Secretary of State, January 7, 1794, American State Papers, 1, 440–42.

[83] Carmichael and Short to the Secretary of State, January 7, 1794, American State Papers, 1, 440–42.

[84] Genet to Minister of Foreign Affairs, July 23, 1793, Instructions to French Minister in the United States, October 23, 1794, American Historical Association Report, 1903, 2, 220ff. and 721ff. Hammond to Grenville, March 7, 1794, Henry Adams, Transcripts, Hammond, 1793–94.

[85] Constant Freeman to Secretary of War, April 18, 1794, American State Papers, 1, 459–60.

[86] Secretary of War to Governor of Georgia, May 14, 1794, American State Papers, 1, 480.

importance of settling the Mississippi question. The commissioners seemed unable to get any definite assurances from the Spanish government, although the American authorities were experiencing the greatest difficulty in restraining the increasing indignation of the western people at the great injustice with which they appeared to be treated. Such was the situation when Monroe was sent as minister to France. It was to be his care, in accordance with his instructions, to put an end to the deadlock at Madrid by securing the intervention of France.

Firmly convinced of the great danger to the United States in a peace between France and Spain unless the questions of the navigation of the Mississippi and of the southern boundary were settled at the same time, Monroe only awaited a favorable opportunity in order to present the matter to the attention of the French government.[87] A little diplomatic incident soon afforded him an excellent opening for this purpose. Two letters from Gardoqui, the Spanish minister, asked Monroe to procure for him passports into France that he might take certain baths. In view of his somewhat strained personal relations with Gardoqui, Monroe rightly concluded that this request was a mere blind in order to open communications between France and Spain. With his characteristic frankness in diplomatic intercourse, he submitted the correspondence to the French government, at the same time notifying Gardoqui of his action and referring him to the Committee of Public Safety.[88] The incident afforded Monroe the very opportunity for which he had waited. At once he submitted to the diplomatic members of the Committee of Public Safety a memorial showing the situation of the United States with respect to Spain. As a loan to France had already been suggested by the government of that country, he intimated that a very considerable sum might be obtained provided

[87] Monroe to Secretary of State, November 20, 1794, Writings of Monroe, 2, 117–24.

[88] Monroe to Committee of Public Safety, November 13, 1794, and to Don Diego de Gardoqui, undated, Writings of Monroe, 2, 109–12, 127.

satisfactory assurances were given that the points in controversy between the United States and Spain would be considered in any negotiations for peace which the French might carry on at Madrid.[39] By this note Monroe had followed his instructions in at least calling the attention of France to the negotiations with Spain, and in trying to obtain her aid.

While pressing commercial claims upon France and trying to further the negotiations with Spain, Monroe did not neglect the interests of American citizens who had been subjected to unjust imprisonment. Among those aided was Thomas Paine, the erratic author of many pamphlets which had exerted great influence during the American Revolution. Coming to France, he had been elected a member of the National Convention. As he had incurred the enmity of Robespierre, he was among the unfortunates who suffered imprisonment without trial. Monroe received numerous epistles from Paine, many of them despairing in tone, describing the privations to which he had been subjected in the Luxembourg prison. Paine made the claim that as he had come merely to *aid* in establishing a government, and had not accepted office under what might be regarded as a *settled* foreign administration, he had not forfeited his American citizenship. Monroe accepted this view and finally procured the author's release. He even received Paine as an inmate of his own house,[40] but owing to Paine's bitter feeling toward Washington, the intimate relations which arose from this incident proved ultimately a source of much worry to Monroe.

Monroe also tried to render aid by suggesting remedies for the consular situation, which he found to be most unsatisfactory. Four out of the six consuls representing the United States in France were Frenchmen. These four men had all suffered arrest, but had been afterwards released. Owing to the numerous governmental restrictions upon commerce and to the unsettled conditions of the times, Monroe considered it highly important that the consuls should be men

[39] Writings of Monroe, 2, 124–27.

[40] Thos. Paine to Monroe, August 7, 1794, to October, 1794, Monroe Papers, 7, 907–21.

capable of commanding the highest respect for the country they represented, and, therefore, he recommended that American citizens should be appointed in place of these Frenchmen.[41] The American government does not, however, appear to have paid any attention to this recommendation.

While laboring to conciliate France and to obtain the other objects of his mission, Monroe seems to have feared that the worst possible construction would continually be placed upon his actions by his political opponents. With this view he thought best to forestall any complaints from Gouverneur Morris by writing directly to the President of a little misunderstanding that he had had with the American ex-minister. Gouverneur Morris, it seems, had applied for a passport to travel in Switzerland. Since practically all of his French connections and friends (the émigrés) were in Switzerland, the Committee of Public Safety, who were suspicious of his intentions, did not wish to grant this permission. Finally Morris was compelled to accept the passport from his successor, Monroe, rather than from the Directory as he had wished.[42] This little incident well illustrates the difficulties under which Monroe labored as the successor to a minister whom he knew to be more in favor at home than himself.

A rather indiscreet act about the same time subjected Monroe to much criticism later. As the Convention had decreed to hang together in their hall the American and the French flag, he sent them one of the former.[43] For six months Monroe failed to mention this incident to the home government. This omission is hardly so significant as some critics claim. Monroe might easily have forgotten to write of the incident before, and he finally wrote only casually.[44] There

[41] Monroe to Secretary of State, October 16, 1794, Writings of Monroe, 2, 69–87.

[42] Monroe to the President, November 19, 1794, Writings of Monroe, 2, 112–14.

[43] Monroe to the President of the National Convention, September 9, 1794, Writings of Monroe, 2, 54–55.

[44] Monroe to Secretary of State, March 6, 1795, Writings of Monroe, 2, 229.

is no evidence of intentional deception, and Monroe in other matters cannot be accused of lacking frankness. But here again the minister allowed himself to be ruled by his French sympathies rather than by good judgment. If the strict neutrality of the United States was to be preserved, such an overt act of sympathy and friendliness as the official gift of an American flag was inadvisable.

Despite the mistakes into which his ardent sympathy for France had led him, by January, 1795, Monroe had laid the foundations of an apparently successful embassy. He had succeeded in conciliating France and in restoring the old friendship for the United States. He had induced the French government to recall the obnoxious decrees against American commerce, and had at least called the attention of France to the negotiations with Spain which were so important for the peace of the western country. Moreover, he had endeavored to promote the interests in France of the United States and its inhabitants. John Quincy Adams, a most conservative critic and a political opponent, testified to the gradual renewal of a friendly disposition after Monroe's arrival, to the final establishment of the principal stipulations of the treaty with France, and to the hopes of obtaining redress for antecedent causes of complaint.[45] As Adams was at this time the American representative in Holland, his testimony is of special value.

Until the news of the Jay treaty brought new complications, Monroe had, therefore, every reason to expect a happy result of the several negotiations which he had so auspiciously begun.

[45] John Q. Adams to Monroe, February 23, 1795, Monroe Papers, 7, 938.

SECOND PERIOD.

From the Receipt by the French Government of Definite News of the Jay Treaty to its Ratification by the President, January 5–August 19, 1795.

The first complaint by the French government in regard to the treaty with Great Britain marked a new and most difficult period of Monroe's mission. Its former suspicions of Jay's real powers having been confirmed, the French government was still further irritated by the continued secrecy as to the contents of the treaty. Consequently, Monroe, besides trying to obtain the objects of his mission, was put upon the defensive in order to retain the former friendly relations of France toward the United States. The French government officially announced its knowledge of the Jay treaty on January 5, 1795. Over a month before that date Jay had written to Monroe from London that a treaty had been signed between the United States and Great Britain. As none of its provisions could be construed as infringing upon the existing treaty between the United States and France, Jay wrote that he did not consider that this fact should create any uneasiness in the French Convention.[1] Again, on November 25, Jay wrote that, as the treaty had not been ratified, he considered that it would be improper to publish it.[2] In a further note of November 28 Jay promised to communicate it to Monroe *confidentially*. Meantime he explicitly said that it contained nothing repugnant to the engagements of the United States with any other nation.[3]

In these repeated assurances that the treaty contained nothing to cause alarm to France, Jay had apparently done everything in his power to aid Monroe in explaining the matter to the French government. Also, in promising to

[1] John Jay to Monroe, November 24, 1794, Monroe Papers, 7, 927.
[2] John Jay to Monroe, November 25, 1794, Monroe Papers, 7, 928.
[3] John Jay to Monroe, November 28, 1794, Monroe Papers, 7, 929.

communicate its contents to Monroe confidentially, he was apparently taking altogether the proper course. The treaty had not been submitted to the American government, and no risk could be run of a review by a foreign power. The indiscretion that Monroe had already displayed at his reception before the French Convention afforded a sufficient justification of Jay's course. But Monroe had already been deceived in regard to the negotiation of a treaty with Great Britain, and had also been made the instrument of deceiving the French government. In the light of certain provisions of the Jay treaty it would seem that this course was to be continued. Monroe himself was suspicious and very anxious to learn the complete contents of the treaty. The news of the treaty had placed him in a most embarrassing position. When questioned by the French government, he had declared that he was not in correspondence with Jay, and that the object of the latter's mission was to secure indemnity for spoliations of American commerce and the fulfillment of the Peace Treaty.[4] Monroe having in this way revealed the extent of his knowledge, the deception practised upon him by the American government became very evident to France after definite news of the Jay treaty had been received. Monroe, too, seems to have realized that he had been deceived. In a letter to Madison he alleged that he had been appointed as the proper person to hold the friendship of France in order that Jay might the more readily prosecute his negotiations with Great Britain.[5] In a private letter to Randolph written the same day Monroe declared that, owing to suspicions of the United States, he had encountered a great reserve in France. At the same time he declared his belief that the President would stop any perfidious designs hatched between Jay and Pitt and that it was impossible to be allied simultaneously with France and England.[6] This last letter is most significant. It is almost

[4] Monroe to Secretary of State, December 2, 1794, Writings of Monroe, 2, 140–53.
[5] Monroe to James Madison, December 18, 1794, Writings of Monroe, 2, 153–54.
[6] Monroe to Secretary of State, December 18, 1794, Writings of Monroe, 2, 154–61.

an appeal to the President to annul the treaty that Jay had contracted with England. Both letters show Monroe's strong distrust of Jay and his convictions of the necessity for a close alliance between the United States and France. With such sentiments Monroe might resort to questionable means to secure this end.

Although Monroe was sufficiently discreet to refrain from mentioning the British treaty to the French government, he did not wait long for an official communication upon the subject. In a brief note dated January 8, 1795, the Committee of Public Safety informed him that news from London announced the conclusion by Jay of a treaty infringing upon the one already existing between the United States and France. Monroe was asked to communicate the treaty as soon as possible as the only means of meeting the injurious reports that had arisen in regard to the American government.[7] In reply Monroe sent Jay's letter of November 25, and he also promised to impart the contents of the treaty as soon as he should learn them.[8] This last promise was indiscreet, for Monroe should have recognized that many circumstances might prevent the revelation to a foreign government of so important a document before it had been ratified. Such rash action on Monroe's part shows that Jay's fear that he would give the treaty to the French government was well founded. Convinced that he must communicate the treaty in order to pacify France, Monroe sent a special messenger, Purviance, to London to obtain the copy of the treaty which alone, in his opinion, would satisfy the French government. The reply of Jay, while expressing his regrets for any unauthorized account of the treaty in the English papers, denied the right of a foreign government to inspect treaties made by a free nation, such as the United States, especially when they might be altered in the future. Nor did he consider that he had the right to submit the treaty to the French government for any such

[7] Committee of Public Safety to Monroe, January 5, 1795, Despatches, 4, 173–74.
[8] Monroe to Committee of Public Safety, December 27, 1794, Writings of Monroe, 2, 162–3.

inspection. France, he declared, had nothing to do with the treaty except in so far as it should conflict with any existing arrangement with the United States.[9] But Monroe could not take this view of the situation. Always suspicious, he wrote the Secretary of State, accusing Jay of a design to throw the blame upon him in case a disclosure produced any inconvenience. Monroe added that, while he did not accord the French government a right of inspection, he wished to satisfy them that the treaty did not infringe upon existing arrangements. He did not indicate to what lengths he considered that he was to go in order to secure this end. Monroe concluded his letter to the Secretary of State upon this subject with the recommendation that all the great national objects connected with France might be more easily secured by a frank and liberal rather than by a cool and reserved deportment.[10] In this incident Jay appears to have been in the right. Monroe's diplomatic naïveté had betrayed him into great indiscretion. Apparently his French sympathy had blinded him to the very patent fact that, if the United States wished to take its place as an independent nation, and not as a mere appanage of France, such requests as that of the French government to inspect the treaty before it had been ratified must be peremptorily refused.

Notwithstanding the lack of judgment that Monroe had already shown, Jay sent Colonel Trumbull, who was well acquainted with the contents of the treaty, to Paris in order to give Monroe the information he so greatly desired. Jay wisely stipulated that Monroe should receive the treaty in absolute confidence. This condition he emphasized most strongly.[11] But Monroe's promise to give the French government the contents of the Jay treaty as soon as he received it compelled him to refuse an offer which was made under a condition of secrecy. Unfortunately Colonel Trumbull's

[9] John Jay to Secretary of State, February 5, 1795, Despatches, 1, 32.

[10] Monroe to Secretary of State, March 14, 1795, Writings of Monroe, 2, 229–36.

[11] John Jay to Monroe, February 19, 1795, Despatches, 4, 237.

presence in Paris had aroused suspicion that Monroe was not really ignorant of the provisions of the treaty and was, therefore, playing a double part. To dispel this illusion, Monroe felt compelled, in self-defense, to give Jay's reasons for withholding the treaty. Accordingly, he showed his correspondence with the latter to the Committee of Safety.[12] This was undoubtedly a great mistake and one likely to range Monroe with the French government as the aggrieved party in opposition to Jay and, consequently, to the government of the United States. As France wished, of course, to hold the United States in a position rather of tutelage, the Committee of Public Safety deemed Jay's reasons for withholding the treaty insufficient, provided it contained nothing injurious to France.

Having found that the treaty could not be given to Monroe without danger of being submitted to the French government, Jay contrived to impart indirectly such information as he deemed proper. After the Trumbull incident Monroe was greatly surprised to receive a note from Benjamin Hichborn, a native of Massachusetts then in Paris. In general terms he was assured that by the Jay treaty certain rights had been secured, that all controversies relating to boundary lines and the western posts had been settled, and that compensation had been provided for those citizens of either nation who had suffered loss. The note denied any condition for mutual aid or for reciprocity beyond a general peace. Monroe was left free to use as he saw fit the meager information so hesitatingly vouchsafed. He accordingly forwarded a copy of the note to the Committee of Public Safety, but received no answer.[13] This note from Hichborn is most important, inspired as it doubtless was by Jay, and showing to just what extent it was considered safe to enlighten Monroe and, incidentally, the French government as to the provisions of the treaty. In this slender

[12] Monroe to Secretary of State, April 14, 1795, Writings of Monroe, 2, 238–55.

[13] Monroe to Secretary of State, April 14, 1795, Writings of Monroe, 2, 238–55. Benjamin Hichborn to Monroe, March 31, 1795, Despatches, 4, 238–39.

communication no mention was made of the specific arrangements for the West Indian trade or of the agreement in regard to contraband, the two provisions against which the French government afterward so vigorously protested as violations of the treaty of 1778. The administration upheld Jay's policy of the utmost secrecy.[14] In writing to Monroe, Randolph emphasized this course, and supported in every particular the position that Jay had taken. Denying in the same strain the right of the French government to inspect the treaty, he asserted that, from a cursory perusal, he himself had not seen any ground for dissatisfaction on the part of the French Republic. He intimated, however, that the ratification of the treaty was not at all sure.[15] Yet Randolph was aware that the stipulations as to the West Indian trade and contraband afforded France most reasonable grounds for protest. A month after his first letter Randolph assured Monroe that the Jay treaty contained nothing offensive to France and that the secrecy observed arose merely from the usage in such cases.[16] In view of the concealment that had already been practised upon Monroe, these letters strengthen the conclusion that the administration was determined to deceive France as to the contents of the treaty until after it had been ratified. Monroe having proved indiscreet, it was doubtless deemed inadvisable to give him the treaty. His promise to reveal the contents to France had been most rash, but it had probably afforded Jay the very excuse he wished in order to refuse to give Monroe a copy of the treaty, while appearing to treat him with perfect fairness. Knowing Monroe as he did, Jay must have been aware that he would refuse to receive the treaty in secrecy after his promise to the French government.

Despite the executive caution, the contents of the treaty soon leaked out, for Madison wrote to Monroe, March 26,

[14] Secretary of State to John Jay, March 8, 1795, Instructions, 2, 327–29.

[15] Secretary of State to Monroe, March 7, 1795, American State Papers, 1, 699–700.

[16] Secretary of State to Monroe, April 7, 1795, American State Papers, 1, 701.

1795, giving the chief points of the Jay treaty, but averring that he had no official knowledge and had obtained his information chiefly by conjecture, or at most from newspapers.[17] Monroe, needless to say, did not use such information as the basis for a communication to the French government. The Secretary of State wrote Monroe on July 2, 1795, that, as he had doubtless long before learned the particulars of the treaty from Pinckney and Trumbull, he would send only a copy with the vote of the Senate. The President, he declared, had not yet decided whether to promulgate the treaty. By some inadvertence the copy seems to have been left out of this letter, but was finally enclosed to Monroe in one of July 14, 1795.[18]

Meanwhile the long continued secrecy had almost exhausted the patience of the French government. Already confirmed in their suspicions that the Jay mission was not altogether as it was represented, this secrecy increased their distrust. Monroe too, the American minister, had been deceived. Therefore the administration might dupe him again as to the contents of the treaty. Consequently, his engagements might not prove binding, and he could not expect quite the same respect. Had the French government not regarded him as the representative of the American people, as distinguished from the government, Monroe would have probably failed altogether. As it was, he found great difficulty in prosecuting the objects of his mission while the secrecy in regard to the Jay treaty acted as a continual irritant upon the French government.

While trying to avoid any open rupture with France, Monroe continued to press the other objects of his mission, devoting much time to the claims of the United States against Spain. In a memorial addressed to the Committee of Public Safety Monroe presented the situation of the Mississippi Valley and the dependence of a large part of the United States upon free navigation of the river as almost

[17] Madison to Monroe, March 26, 1795, Writings of Monroe, 2, 154–56.

[18] Secretary of State to Monroe, July 2 and 14, 1795, Instructions, 3, 7–10.

the sole means of commercial intercourse. Doubtless in order to soothe the irritation caused by the Jay treaty, he also showed that the retention by England of the western posts was a source of continual menace to the United States and, consequently, to their ally, France.[19] The Committee of Public Safety merely acknowledged Monroe's communication, expressing its appreciation of this token of American loyalty and friendship.[20] But later, Merlin, in charge of diplomatic affairs, definitely promised that the observations in regard to the Mississippi River should receive due attention. He added, most significantly, that the course of France in this matter would depend greatly upon the conduct of the American government relative to the Jay treaty. M. Merlin concluded with the observation that between nations, as between individuals, there should be reciprocity of obligation and service. He was careful to point out that he had written the note as an individual, and not in an official capacity.[21]

Monroe was soon enabled to confer a favor upon the French government. His action in the Gardoqui incident had proved successful, and in February he was asked to transmit to Spain two notes, which marked the opening of negotiations between France and Spain.[22] This diplomatic incident afforded Monroe another opportunity to bespeak French aid for the American claims against Spain. Again, on March 3, 1795, he wrote to the Committee of Public Safety recalling to them, in the midst of their negotiations with Spain, the demands of the United States: (1) for the free navigation of the Mississippi River and for the full territorial limits guaranteed by the Peace Treaty of 1783; (2) for freedom for American ships at New Orleans or at

[19] Monroe to Committee of Public Safety, January 25, 1795, Writings of Monroe, 2, 182–86.

[20] Committee of Public Safety to Monroe, February 8, 1795, American State Papers, 1, 699.

[21] Merlin to Fulwar Skipwith, February 21, 1795, Despatches, 4, 215.

[22] Monroe to Committee of Public Safety, February 17, 1795, Writings of Monroe, 2, 206.

some other equally convenient Spanish port.[23] The messenger who handed this note to M. Pelet of the French diplomatic committee assured him that the free navigation of the Mississippi River would be of little real benefit unless a port was granted also or while Spain held West Florida as far north as the thirty-first parallel. As a result of these representations, M. Pelet promised that, in case of a negotiation with Spain, the interests of the United States would not be forgotten, and that France would render every good office in her power.[24] After having been told that the Jay treaty contained nothing which should cause uneasiness in the French government, M. Pelet had already advised Monroe of the instructions to the French agent then in Spain to use his utmost efforts to secure for the United States the points in controversy.[25]

This evident desire to aid the United States in the Spanish matter shows to what extent Monroe had succeeded in conciliating the French government. But the continued secrecy of the Jay treaty had its effect, and the ardent friendship of France for the United States soon began to cool. Two incidents showed unmistakably to what extent this was true. In notifying the Committee of Public Safety of the journey through France of Mr. Pinckney, the newly appointed American minister at Madrid, Monroe had offered to send by him any official messages to Spain that the French government might wish to transmit. In contrast to the former alacrity with which France had availed herself of Monroe as a medium of communication with Spain, this offer was refused.[26] Also, William Short, then in charge of the Spanish affair, wrote early in May that Spain was most anxious for an accommodation with the United States. By the desire of the Premier he asked also that Monroe should propose to France to open active mediation with Spain. But this re-

[23] Monroe to Committee of Public Safety, March 8, 1795, Despatches, 4, 213.
[24] J. C. Montflorence to Monroe, March 9, 1795, Despatches, 4, 213–14.
[25] Monroe to Secretary of State, March 6, 1795, Writings of Monroe, 2, 217–19.
[26] Monroe to Committee of Public Safety, May 22, 1795, Writings of Monroe, 2, 284–85.

quest could not be granted, for, owing to the growing distrust aroused by the Jay treaty, France now refused to accept the United States as a mediator.[27] From this changed attitude Monroe supposed that no further help might be expected. Just how far the Spanish protestations of anxiety for an accommodation with the United States were true, was uncertain. From the previous experience of the negotiators, it was probable that only outside pressure would ever bring anything more definite than protestations from the Spanish government.

While France had been promising Monroe to aid in the American negotiations with Spain, she herself was endeavoring to obtain the restitution of Louisiana. The instructions to the French agent at Madrid charged him above all to make Louisiana the chief object of his mission.[28] In fact, a secret article of the treaty negotiated between France and Spain at this time provided for such a restitution.[29] In spite of this secret purpose France favored the American negotiations for the free navigation of the Mississippi River. Fearing greatly an alliance between the United States and Great Britain, the policy of France was to diminish the British influence in America as much as possible. As one of the chief means of accomplishing this object, Fauchet had advised his home government to push the claims of the United States to the use of the Mississippi.[30] After the negotiation of the treaty between the United States and Spain, which conferred this right, the French government expressed its entire approval, although instructing its minister at Madrid to resist the extension of this privilege to British citizens.[31]

[27] Wm. Short to Monroe, May 4, 1795, American State Papers, 1, 716. Monroe to Wm. Short, May 30, 1795, Writings of Monroe, 2, 288–92.

[28] Instructions to Barthelemy, 1795, Henry Adams Collection, Fauchet, 1794.

[29] Secret Article 7, June 27, 1796, Henry Adams Collection, Adet, 1795–97.

[30] Fauchet to Commissioners of Foreign Relations, September 16, 1794, American Historical Association Report, 1903, II, 420–24.

[31] Instructions to General Perignon, December 31, 1795, Henry Adams Collection, Adet, 1795–97.

With this proof of the disposition of France in the matter, there is no good reason to doubt the sincerity of the statement of M. Pelet that the French agent had been instructed to bring pressure to bear upon Spain to grant the American claims. Certainly the conciliatory attitude with which Pinckney was met, so different from that manifested toward Carmichael and Short, was not due to the aid of Great Britain, whose policy it was to prevent an alliance between Spain and the United States.[82] The entire course of the negotiations showed the influence of France. Upon his arrival Pinckney found a most favorable disposition to conclude speedily a treaty with the United States. Indeed, the Spanish minister declared that the King was willing to sacrifice a part of his rights as a testimonial of his good will. At the first conference with Pinckney the Premier proposed that, as the American and the French negotiations were so intimately connected, they should proceed together. Though this offer was not accepted, Pinckney wrote home that the progress of the American negotiations with Spain could not have been upon a better footing. This favorable disposition Pinckney himself ascribed to the work of the French commissioners, who had evidently fulfilled the promises to Monroe that France would insist upon a settlement. As a proof of the influence of Monroe's attitude, the Spanish Premier informed Pinckney that the American minister at Paris opposed any accommodation between France and Spain which did not acknowledge the interests of the United States by a guarantee of the free navigation of the Mississippi.[83]

With the way thus paved, on October 27, 1795, Pinckney concluded the treaty which guaranteed to American citizens the navigation of the Mississippi River and the use of New Orleans for three years as a free port for the storage of their goods. This treaty also established the boundaries of the United States as agreed upon with Great Britain in the Peace Treaty of 1783. The importance of Monroe's work

[82] Despatches to Bond, October 10, 1795, Henry Adams Collection, Bond, 1795–96.

[83] Thos. Pinckney to Secretary of State, July 21, 1795, American State Papers, I, 534–35.

in bringing about this final adjustment is readily apparent.

In accordance with his instructions, Monroe also endeavored to secure the aid of France for the successful termination of the negotiations for a treaty with Algiers. The Algerine pirates had violently attacked American commerce in the Mediterranean, imprisoning and enslaving many seamen, so that Congress finally took steps to terminate such a condition of affairs. Admiral John Paul Jones was appointed in 1792 to negotiate a treaty with the Dey of Algiers.[84] The untimely death of Admiral Jones stopped all proceedings until the appointment of Colonel David Humphreys in 1793 as his successor.[85] Humphreys had accomplished practically nothing when Monroe arrived on the Continent. A few months later Monroe notified Humphreys that he would do everything possible to aid if only he were informed of what was needed. As France, in Monroe's opinion, was then the most influential of the Continental powers with the Barbary pirates, this aid was of paramount importance to ensure success.[86] Nevertheless, Colonel Humphreys, then stationed at Lisbon, seems to have been very loath to communicate with Monroe, though willing to take his aid when it was needed. The Secretary of State, however, recognized the importance of the aid which Monroe might give, and he urged upon Humphreys the necessity of coöperating with him.[87] Even after the receipt of this note, Colonel Humphreys seems to have communicated with Monroe only when absolutely necessary. Kept thus almost wholly in ignorance of the course of these important negotiations, Monroe found it very difficult to render effective aid.[88] Before the news of the Jay treaty, Monroe had reason to believe that the French government had fully

[84] Thos. Jefferson to John Paul Jones, June 1, 1792, American State Papers, 1, 290–92.

[85] Thos. Jefferson to Col. David Humphreys, March 21, 1793, American State Papers, 1, 294.

[86] Monroe to Col. David Humphreys, November 11, 1794, Writings of Monroe, 2, 109.

[87] Edmund Randolph to Col. D. Humphreys, April 4, 1795, Instructions, 2, 340–41.

[88] Monroe to Secretary of State, February 1, 1795, Writings of Monroe, 2, 186–93.

decided to provide a settlement of the American difficulties with Algiers.[39] In fact a member of the Diplomatic Committee had already offered aid, and Monroe would have undertaken the task very early in his mission except for fear of interfering with Humphreys. Notwithstanding the treatment he had received in the matter, Monroe was ever ready to fulfill his duty, and on July 5, 1795, even after the French friendship for America had perceptibly cooled, he gave notice to that government of the presence of Humphreys at Lisbon with full powers to treat with the Barbary States, at the same time bespeaking French aid for the negotiations.[40]

Somewhat connected with the Algerine negotiations was a rather interesting incident which illustrates the great ignorance then prevalent in Europe as to the real powers and the nature of the American government. The chargé d'affaires of Malta proposed to Monroe that, in return for the protection and privileges of Malta for American seamen, the government of the United States should grant the Knights of Malta a large area of land in America. To this rather astounding proposal Monroe replied that he had transmitted the note to the American government and could, therefore, make no definite answer. He notified the chargé d'affaires, however, that no land could be absolutely given away by the American executive, since the government of all the western land must continually remain elective and republican.[41] No further attention seems to have been paid to the proposal.

The indifference with which the home government treated Monroe's recommendations was felt especially in the consular situation. The appointment as consuls to France of persons unacceptable to the French government, without any previous consultation with Monroe, caused him much embarrassment. He asked the removal of Pitcairn, an English

[39] Monroe to Secretary of State, February 12, 1795, Writings of Monroe, 2, 193–206.

[40] Monroe to Committee of Public Safety, July 5, 1795, Writings of Monroe, 2, 315–17.

[41] Chargé d'Affaires of Malta to Monroe, undated; Monroe to Chargé d'Affaires, November 22, 1794, Writings of Monroe, 2, 128–30.

subject who had been appointed consul at Paris, alleging that he would not be received by the French government, and that such a condition of affairs would be most detrimental to American business interests.[42] After Pitcairn's arrival, Monroe again complained of the appointment. He withheld the consul's credentials until he should receive further instructions from the home government.[43] Much trouble resulted from this official indifference to the appointment of consuls. Contrary to French law, they frequently gave passes to Englishmen who pretended to be Americans merely to obtain the privileges enjoyed by the latter in France. Upon the complaint of the French government Monroe issued a circular designed to stop this evil by enjoining upon the American consuls the utmost care in making out passports. All doubtful cases were to be submitted to Monroe's personal decision.[44] The trouble continued, however, until the Commission of Foreign Affairs asked for a list every ten days of the Americans in Paris. Monroe, of course, complied.[45] He complained to the Secretary of State that all this trouble was due to the numerous Englishmen who had obtained passports under false pretenses.[46]

France also began to complain that certain Americans kept up intercourse with England. Monroe was, therefore, asked to have the consuls give a register of each captain and to prevent any seamen from landing from any American ship until the list had been approved by the French government. This last request he was unwilling to grant unless such a regulation fell equally upon the vessels of all neutral nations.[47]

[42] Monroe to Secretary of State, March 6, 1795, Writings of Monroe, 2, 217–19.
[43] Monroe to Secretary of State, May 17, 1795, Writings of Monroe, 2, 254–64.
[44] Committee of Foreign Affairs to Monroe, and Monroe's reply, June 10 and 19, 1795, Despatches, 4, 285–88.
[45] Committee of Foreign Affairs to Monroe, and Monroe's reply, June 24–27, 1795, Despatches, 4, 289–90.
[46] Monroe to Secretary of State, July 6, 1795, Writings of Monroe, 2, 317–39.
[47] Monroe to Commissary of Marine, August 30, 1795, Writings of Monroe, 2, 343–46.

The appointment of Parish, a British subject, as American consul at Hamburg provoked trouble. This consul was charged with acting as a British agent, the Prussian subsidy, it was alleged, actually passing through his hands. As the trade of Hamburg was of the utmost importance, Monroe suggested that he be replaced by Joel Barlow or William St. John.[48] This gentle hint was disregarded. In December the French government actually asked for the removal of Parish, alleging that he had acted altogether as the British agent. In transmitting this request, Monroe added that from other sources he had learned that Parish had given British emigrants the protection of the flag of the United States by putting them on American ships. He again suggested the appointment of an American citizen to the responsible post of Hamburg.[49] Finally the President decided to replace Parish,[50] but so little attention was paid to the matter by the American authorities that a second note from the French government, sharp and peremptory in tone, gave warning that no passports issued by Parish would be honored in France.[51] The long delay shown in this removal, as well as in other consular difficulties, greatly hindered Monroe in his work of conciliation.

While attending to the duties of his office, Monroe attempted to answer the criticism to which he felt that he had been unjustly subjected. In reply to scathing strictures from Randolph upon his reception in France he asserted that the sentiments he had expressed in the Convention did not exceed those of his instructions. He considered that, in the condition of affairs upon his arrival in France, his course had been necessary. Understanding that the object of the Jay mission was to obtain compensation for injuries and the

[48] Monroe to Secretary of State, July 6, 1795, Writings of Monroe, 2, 317–30.

[49] Monroe to Secretary of State, December 22, 1795, Writings of Monroe, 2, 427–32; Minister of Foreign Affairs to Monroe, December 4, 1795, and Monroe's reply, December 9, 1795, Despatches, 4, 346–48.

[50] Timothy Pickering to Monroe, June 13, 1796, American State Papers, 1, 737–38; Writings of Monroe, 2, 435–36.

[51] Minister of Foreign Affairs to Monroe, October 8, 1796, Despatches, 4, 429.

surrender of the western posts, he had supposed that a good understanding between France and the United States would only forward these negotiations. Monroe emphasized the need for a close alliance between the two republics, especially as the disposition of France to aid the United States had only been checked, not changed, by the news of the Jay treaty.[52] This last statement the conduct of the French government had shown to be true. The entire letter of defense is straightforward in tone, yet unconsciously Monroe displayed his predilection for France, a sentiment which was at the root of all his indiscretions. A few days later Monroe wrote Madison that he had been much hurt by the criticism of Randolph. As he had not been aware that the papers presented to the Convention were to be kept secret, he had deemed it best, as the state of parties in the United States was well known, to let the official resolutions speak for themselves.[53] An inference might be drawn from this letter that, in so publicly announcing the resolutions of Congress, Monroe had purposely attempted to force the pro-British party to a closer alliance with France, or else to a decided avowal of its real policy. Although such a course was contrary to Monroe's usual frank nature, he would doubtless have justified himself by his intense desire for and belief in the necessity for united action with France. Such action, though contrary to modern diplomatic usage, would probably not have been opposed to the ethics of American politics at that period. But no definite conclusion can be drawn from the letter.

Monroe's somewhat ruffled feelings were considerably mollified by the receipt of a milder and more conciliatory letter from the Secretary of State dated December 5. Doubtless Randolph felt that his former strictures had shown too plainly the real feeling of the government toward Monroe, and that there was danger that he would not continue

[52] Monroe to Secretary of State, February 12, 1795, Writings of Monroe, 2, 193–206.

[53] Monroe to Madison, February 18, 1795, Writings of Monroe, 2, 206–12.

at his post unless he were accorded better usage.[54] With the criticism of his conduct by the Secretary of State the element of discord arising from Monroe's position as a leader among the Anti-Federalists made itself felt. As the disfavor of the administration became evident, Monroe naturally turned to his friends at home, justifying his conduct, and even committing the indiscretion of criticising the policy of the government in letters which, he must have known, were widely circulated among its opponents. To Jefferson, Monroe clearly stated his position on the Jay treaty. If it contained nothing objectionable, he believed that the standing of the United States with France would not be injured. If, however, the treaty proved to be a bad one, and contained any clause which might be justly censured, he felt sure that the French government would reproach the American administration. In this latter event, he firmly believed that, since a good understanding had already existed between the United States and France, an excellent opportunity had been thrown away to dictate to England what terms the former pleased. Concluding, Monroe expressed his firm belief that the United States should stand allied with France, which he considered a rapidly rising power.[55] On this date, in a confidential note to George Logan, Aaron Burr, Thomas Beckley, and other prominent opponents of the administration, Monroe expressed his distrust of Great Britain in view of the new depredations upon American shipping. The superiority of the French Republic, he argued, had now compelled the governments of Europe to sue for peace, despite their fear of the spread of revolutionary ideas. Upon every principle, therefore, Monroe believed that America should in no degree lose the former esteem of France.[56] This last letter was termed confidential, but a part which

[54] Monroe to Secretary of State, February 18, 1795, Writings of Monroe, 2, 212–13.

[55] Monroe to Thos. Jefferson, June 23, 1795, Writings of Monroe, 2, 292–304.

[56] Monroe to Geo. Logan, Aaron Burr, Thos. Beckley, Robert R. Livingston, and Jno. Beckley, June 23, 1795, Monroe Papers, 1, 6.

was printed in the American gazettes aided in arousing sympathy for France in the United States.[57]

In expressing so plainly his opinion Monroe was at fault. His utterances, though supposedly private, furnished campaign material for the opposition, and were often inserted in the public press. He put himself in the position of openly supporting the policy of the administration by continuing in its service, and of privately not hesitating to express his decided disapproval of its acts. Indeed, he had gone so far as to inculcate a policy in opposition to that of the executive. A slight palliation of this conduct may be found in the fact that the President had full knowledge of Monroe's position toward France and toward the Jay treaty when he appointed him. The deception practised upon Monroe as to Jay's real powers naturally threw him into the arms of the opposition. Yet nothing can effectually excuse the indiscretion into which Monroe's warm sympathies for France had betrayed him in these letters.

Meanwhile, in numerous letters from friends at home Monroe learned of the strong opposition which the Jay treaty had evoked in the United States. John Langdon, Henry Tazewell, and Stevens Thomson Mason informed him in June of their opposition to the treaty and of the popular discontent which the secrecy of the Senate proceedings had aroused.[58] Madison declared that Virginia and North Carolina were solid in their opposition to the Jay treaty. After its passage by the Senate Aaron Burr wrote that it had aroused much dissatisfaction, even among the merchants who had favored its author. Burr added that memorials were being circulated in opposition to the treaty, and that the President's action was uncertain.[59] Robert R. Livingston also wrote of the execrations with which the treaty had been received in the United States. A most significant passage in this letter expressed the fear that the treaty

[57] Aaron Burr to Monroe, December 24, 1795, Monroe Papers, 8, 974.

[58] Jno. Langdon, Henry Tazewell, and Stevens Thomson Mason to Monroe, June 24, 27, and 29, 1795, Monroe Papers, 8, 950–52.

[59] Aaron Burr to Monroe, July 15, 1795, Monroe Papers, 8, 954.

might render Monroe's situation most disagreeable, and declared that the French government should discriminate between the attitude of the American nation and that of the administration. Apparently this was a hint that Monroe should range himself as the representative of the party favoring France, rather than as the American minister. Certainly Livingston was well acquainted with the sentiments of Monroe upon the subject. Washington, Livingston hoped, would be affected by the universal opinion. The toasts on the Fourth of July had well voiced, in Livingston's estimation, the sentiments of the American people in this regard, and he said that he and Madison had written to the President upon the subject.[60] These letters show the close connection which Monroe maintained with friends in America who were the bitter opponents of the administration. The letter from Livingston would imply that Monroe was regarded as the spokesman in France of the sentiment of the American people, in distinction to that of the government, in favor of a close alliance with France.

Assured of such a determined opposition to the Jay treaty, it was but natural that Monroe should have done his utmost to oppose it, and should have continued to express to his friends his opposition to its provisions.

Writing to Madison, he declared that, if the objectionable twelfth article was carried out, no American vessel could cross the ocean without submitting to a British search. The treaty he did not hesitate to regard as fully expressive of the pro-British views of the author, Jay, views which, Monroe rather pointedly intimated, should be kept in abeyance. Monroe thought that negotiations with England and with France should go hand in hand. Besides this rather new method of diplomatic frankness, he went farther, and advocated the seizure of the Bermudas and of the western posts, perhaps even of Canada, hoping by this drastic means to force Great Britain into making an equitable peace. Monroe concluded this letter, so expressive of his sentiments

[60] R. R. Livingston to Monroe, July 10, 1795, Monroe Papers, 8, 956.

toward Great Britain, with the observation that if the President, separating himself completely from the advocates of the Jay treaty, would adopt measures of this kind, everything might be retrieved.[61] Monroe probably overlooked the fact that the policy he proposed would precipitate the very war which the President was trying so strenuously to avoid.

In another letter to Madison, in enclosing copies of his correspondence with Jay and Randolph, Monroe expressed himself very strongly in regard to the duplicity and finesse of Jay in plotting to sacrifice his (Monroe's) reputation in order to save his own. This is evidently an allusion to Jay's offer to communicate the treaty privately and confidentially. Monroe declared that he himself had all the while tried to act for the best without compromising himself in regard to what Jay had done. If the treaty was ratified, he feared that the United States would be ranked with the European coalition, and so would probably incur the resentment of the French nation.[62] Monroe had undoubtedly committed a grave offense in sending to Madison this correspondence with Jay and Randolph. In his official capacity as minister to France, these communications should have been held sacred. This was a much more serious offense than that of criticising the policy of the government, and little can be said in extenuation, except that Monroe, feeling himself ill-treated by the government and placed in a most embarrassing position, adopted this method of justifying his conduct.

Monroe's complaints to his friends find a partial justification in the scanty official communications with which the American administration favored him during this most critical period. Evidently hoping to smooth over the minister's ruffled feeling, and to show his kindly disposition, Washington himself wrote in the early part of June that the Department of State would keep him informed of cur-

[61] Monroe to Madison, September 8, 1795, Writings of Monroe, 2, 547–59.

[62] Monroe to Madison, October 24, 1795, Writings of Monroe, 2, 401–7.

rent events.[63] This note was probably elicited by Monroe's complaint on the score of the Algerian negotiations. Whatever may have been the intention of the President, the promise was not carried out by the Secretary of State.

Monroe's continued complaint of the Jay treaty finally elicited a reply from the Secretary of State, which, as giving the official view of the American administration, forms a most important document. Speaking in his official capacity, Randolph examines the conduct of the United States since the beginning of the war between Great Britain and France, and shows that the American government had apparently preserved a strict neutrality. Regarding the alleged deceiving of Monroe and of the French minister as to Jay's real powers the defense is very weak. Randolph practically admits that the explanations given to the French minister and in Monroe's instructions had *implied* that the President had not given Jay the powers to conclude a commercial treaty. He contends that the United States had a perfect right to conceal part of Jay's powers, and that Monroe's instructions were *literally* true, inasmuch as the motives of the Jay mission were to stop vexations of American commerce and to obtain the surrender of the western posts. The rest of the defense consists of a tedious argument, and one rather extraneous to the question at issue, denying the right of a foreign government to demand the motives of the United States. Randolph adds that the Jay treaty interfered with no treaty rights guaranteed by the agreement between France and the United States. By such arguments Randolph begs the question. In this defense he makes no attempt to deny, not only that Jay's powers to conclude a commercial treaty had been concealed from Monroe and the French minister, but also that his statement to them had implied the non-existence of any such power. The charge of intentional deception on the part of the administration is, therefore, proved by the Secretary of State's own words.[64]

[63] Washington to Monroe, June 5, 1795, Monroe Papers, 7, 947.
[64] Secretary of State to Monroe, June 1, 1795, American State Papers, 1, 705–12.

The above defense may be compared with a sworn declaration in regard to the matter which Randolph later sent to Monroe. In most vehement language Randolph declares that he could never with truth have informed the French minister that the Jay mission, as set forth in the President's message, contemplated only an adjustment of complaints, if by this term was signified an exclusion of commercial arrangements. Continuing, Randolph asserts that, in the only official communication with M. Fauchet upon this subject which he recollected, he had informed him, with the President's permission, that Jay was instructed not to weaken the engagements of the United States with France. Also in this sworn statement Randolph denies that then or at any other time in official or unofficial conversation he had ever said that nothing of a commercial nature was contemplated, or that only the controversies arising under the old treaty and the spoliations were to be adjusted. In answer to the charge of Fauchet that he had understood from what Randolph said that Jay was not authorized to treat of commercial matters, the statement laconically declares that the French minister had misunderstood.[65] As if this denial was not enough, after Fauchet's departure Randolph again wrote to Monroe, vehemently denying the French minister's statement that he had been told that a treaty of commerce was not part of the Jay mission.[66]

If these two letters be placed beside the defense written to Monroe, the conclusion must be that Randolph had deceived the French minister as well as Monroe in regard to the full purport of the Jay mission. This very fact, which is practically admitted and defended in the first letter, Randolph tries to deny in these last two statements. Randolph had not specifically informed either Monroe or Fauchet that the negotiation of a commercial treaty did not form a distinct part of Jay's real powers, and to this extent his two latter letters are true; but he had told only a part of the truth, and, as he himself admits, he had intentionally con-

[65] Declaration of Edmund Randolph, July 8, 1795, Instructions, 3, 21–22.

[66] Randolph to Monroe, July 21, 1795, Instructions, 3, 13–15.

cealed the rest by implication. The duplicity practised upon both Monroe and the French minister is therefore conclusively proved by Randolph's own statement. It is a most significant fact that, when Congress called for the correspondence relative to the Monroe mission, these two letters, showing clearly the deception that had been practised, were suppressed. The very fact that they were not published serves as an additional proof that the government, aware of the damaging evidence which they presented, was unwilling to have them put before the nation.

In addition to Randolph's own testimony, there is further evidence to show that Monroe as well as the French minister, Fauchet, had been deceived as to Jay's real powers. Thomas Pinckney, who as minister to Great Britain had been entrusted with the full secret, wrote to Washington early in 1795 that by a letter from Monroe he had learned that the latter understood he was instructed to say to the French government that Jay had no power to treat on commerce. Knowing this to be a mistake, Pinckney wrote to the President in order that the matter might be cleared up.[67] Doubtless this letter to Washington, who would tolerate no duplicity, was the cause of Randolph's vehement declarations on the subject. If so, it clears Washington of all blame for the double-dealing of the Secretary of State. At the same time, it shows the sincerity of Monroe's interpretation of what the Secretary of State had vouchsafed to reveal to him of Jay's instructions. A letter from Fauchet to the Minister of Foreign Affairs shows that Randolph, in spite of his sworn statement to the contrary, had shown him part of Jay's instructions, implying only that the object of the mission was to treat of American rights of neutrality and to claim indemnity for spoliations.[68] This letter, it should be noted, was written before Fauchet had left America, and before any controversy on the subject had arisen. Yet, despite Randolph's assurances, Fauchet dis-

[67] Thos. Pinckney to Washington, February 25, 1795, Washington Papers, Vol. 81.

[68] Fauchet to Minister of Foreign Affairs, May 5, 1794, American Historical Association Report for 1903, 2, 330–34.

trusted Jay and feared his designs.[69] The two letters from Pinckney and Fauchet strengthen the deduction, to be drawn from Randolph's own statements, that he had intentionally concealed Jay's real powers from both Monroe and the French minister in order to convince them that no treaty of commerce was contemplated.

Meanwhile, after the passage of the treaty by the Senate, the French government seems to have waited for the ratification by the President before making formal protest. Monroe's position as the duped and discredited minister of the United States was of course exceedingly difficult. Yet the administration knew that he was personally acceptable to France, and that he alone could restrain the rising tide of French indignation; therefore it was necessary to keep him pacified. Perhaps with this object in view, Randolph, in sending Monroe a copy of the Jay treaty, asserted his doubt as to its ratification by the President in view of the obstacles presented by the British orders for the seizure of provisions. This note, however, the Secretary wished to be regarded as private. A week later he wrote that the treaty was most unpopular in Philadelphia and Boston and that its ratification was still uncertain.[70] Whether Randolph was really sincere in these confidential disclosures or whether he merely wished to delude Monroe as to the outcome of the treaty is uncertain. In view of his previous conduct, it is possible that he intended only to keep Monroe in a complaisant humor in order to maintain the peace with France until the President had ratified the treaty.

Whatever the motives of Randolph in calling special attention to the doubt as to the final ratification of the treaty, Monroe from now on determined to abide strictly by the instructions of the government. He wrote Randolph on August 17 that, as the treaty was in the newspapers, it would doubtless soon be in the hands of the French government, yet he would do nothing in regard to the matter

[69] Fauchet to Commissioner on Foreign Relations, September 16, 1794, American Historical Association Report, 1903, 2, 420–24.

[70] Secretary of State to Monroe, July 14 and 21, 1795, American State Papers, 1, 719.

without instructions. It was rumored, he averred, that the British government claimed that seizures might be made under the terms of the treaty. If this contention was borne out, he anticipated that the French government would have a just cause for complaint.[71] On another occasion, in urging the necessity of knowing, as soon as possible, the fate of the treaty, Monroe wrote that, from the delay in its receipt, he suspected that the Secretary's last letter to him had been opened by British spies. This incident illustrates the difficulty under which Monroe, in common with other American diplomats, labored, owing to frequent tampering with their letters by British agents.[72]

Meanwhile, though Monroe depended upon the home government for instructions as to how he might meet the anticipated complaints of the French government against the Jay treaty, official communications grew still more infrequent. After Randolph's resignation Timothy Pickering, a strong supporter of a pro-British policy, became Secretary of State. On September 12, and again on November 23, Pickering wrote roundly rebuking Monroe for the views that he had expressed in regard to the Jay treaty as quite foreign to those of the government of the United States. With the exception of these two censorious letters, which, it is important to note, while chiding Monroe for his past conduct, gave no guide for the future,[73] Monroe was left without official communications during the fall. Yet Monroe continued his conscientious efforts to keep the home government informed of what transpired in France. As late as October 20 he declared that nothing official had been said in regard to the treaty, and that, whatever should happen, he would do his best to inculcate and to continue a friendly feeling.[74] Even on December 6, 1795, Monroe wrote that, although

[71] Monroe to Secretary of State, August 17, 1795, Writings of Monroe, 2, 339–43.

[72] Monroe to Secretary of State, September 10, 1795, Writings of Monroe, 2, 359–66.

[73] Timothy Pickering to Monroe, September 12 and November 23, 1795, American State Papers, 1, 727.

[74] Monroe to Secretary of State, October 20, 1795, Writings of Monroe, 2, 379–401.

symptoms of discontent over the treaty were apparent, the French government had not lately mentioned the extent of Jay's real powers.[75] With the news that the President had signed the treaty, the situation materially changed. The French government no longer doubted the outcome of the agreement, and prepared to make vigorous protests. The third and last period of Monroe's mission had begun.

Before considering the new phase in Monroe's mission to France caused by the President's final ratification of the Jay treaty, it may be well to summarize what had transpired since news of its probable existence had so rudely disturbed the growing friendship of the French Republic for the United States. Monroe, having been deceived as to Jay's real powers, had been placed in a most embarrassing position before the French government. The long silence as to its contents after the treaty had been negotiated increased the feeling of distrust. Monroe's quixotic promise to impart the contents of the treaty to the French government as soon as he himself received it perhaps justified the wisdom of such a course. Nevertheless, it only increased the embarrassments of the minister who was endeavoring to retain the friendship of France. The deceiving of both Monroe and the French minister in the first place, which was proved by Randolph's attempted defense, was at the root of the trouble, and the government cannot be acquitted of intentional duplicity in this instance. Probably the supporters of the pro-British policy were well aware that Monroe, had he known the whole truth as to Jay's mission, would never have accepted the appointment as minister to France. As he was necessary in order to keep the peace with France for the time, the only alternative was to deceive him.

While thus discredited and thrown into a very annoying situation, Monroe had won a signal triumph in procuring the French aid which had proved so efficacious in the final settlement with Spain of the troublesome Mississippi question. By a similar display of tact he had secured a promise

[75] Monroe to Secretary of State, December 6, 1795, Writings of Monroe, 2, 422–25.

of aid in negotiating the treaty with Algiers. Nor had Monroe been indifferent to the needed consular reforms which vitally affected the well-being of American commerce. In all these negotiations, however, the American government had practically ignored his suggestions, and had treated him with studious indifference as far as was possible, never acknowledging the services that he actually performed.

Yet even the persistent snubbing which he received from the government did not justify Monroe's free expression of his sentiments in writing to his friends at home. To have written a letter which reflected on the administration so severely and which was publicly used by the opponents of the policies then in progress was most reprehensible. Nor should he have kept up so constant a correspondence with the opponents of the administration. Either he should have resigned his position, or at least have suppressed temporarily his private opinions. In sending copies of the correspondence with Jay and Randolph he committed a grave breach of trust.

THIRD PERIOD.

From the Ratification of the Jay Treaty by the President to the End of the Monroe Mission, August 19, 1795–December 27, 1796.

After the news of the President's ratification of the Jay treaty reached Paris, Monroe found himself confronted with the difficult task of allaying the anger of the French Republic. On the other hand, the American administration at this crisis not only made no attempt to smooth over the ruffled feelings of the French government, but the indiscreet utterances of public officials greatly complicated the situation. Edmund Randolph, who had just been displaced as Secretary of State, brought out a pamphlet reflecting upon France, while certain allusions of the President in a speech before Congress were interpreted as a slight upon that republic. Combined with the distrust that had been engendered by the Jay treaty, these public utterances led the French government to propose much more serious measures than had been anticipated. Undertaking to push the claims for spoliations, Monroe was astounded to find that, according to the French official view, the ratification of the Jay treaty had annulled the treaty of alliance with the United States. Adet, he was informed, had been recalled, and a special envoy would be sent to remonstrate. No other reason for this very unusual conduct was given than that the Jay treaty had ranged the United States with the coalesced powers.[1] Almost dumfounded by such extraordinary news, Monroe at once asked for and received another audience. Dwelling upon the difficult position in which such a special mission would plunge both countries, he expressed fear lest this action might arouse other governments to carry on intrigues designed to separate still further France and the United States. The Minister of Foreign Affairs seemed

[1] A Vindication of Mr. Randolph's Resignation, E. J. Randolph, Philadelphia, 1795. Writings of Monroe, 3, 437.

much impressed by this argument, admitting the strength of the last point especially. Monroe even hinted that such an extraordinary step might bring on war; certainly he could see no adequate gain that would come from it. So successful were these representations that the special mission was recalled, though Monroe was informed that strong sentiments in regard to the matter would be conveyed through the ordinary channel of representation.[8] It is a noticeable fact that Monroe, alone, without aid from the home government, averted an act which might have led to serious trouble. Yet he had made no indiscreet remarks, and had remained entirely loyal to the administration in his remonstrances. Nor, despite his private opinion, had Monroe acknowledged that the Jay treaty infringed in the slightest degree upon the agreement between the United States and France. In this instance Monroe fully maintained the dignity of the United States while inducing France to retract.

At this critical time Monroe was left almost without any official guide for conduct. A letter of January 7, 1796, one of the few communications from Pickering, the newly appointed Secretary of State, transmitted the resolutions of the House and Senate upon the presentation of the French colors, but merely declared that, in the opinion of the American government, the Jay treaty did not in the least infringe upon the one already existing with France.[9] Monroe was expected to keep the peace with the French government, and even to preserve a friendly relation, but was left with no official communication which would help to smooth over the difficulty by attesting the strong friendship of the United States for France. The French government must already have known that Monroe was in disfavor with the Federalists, and that he could make no promises or engagements that would be held as binding. That Monroe accomplished anything under these circumstances is a high tribute to his tact.

[8] Monroe to Secretary of State, February 20 and March 10, and to Jas. Madison, February 27, 1796, Writings of Monroe, 2, 456–66.

[9] Secretary of State to Monroe, January 7, 1796, Instructions, 3, 92–93.

In accordance with his promise, the Minister of Foreign Affairs formulated on March 11, 1796, the complaints of the French government against the United States. This paper, showing the exact ground of the French protest, may be considered somewhat in detail.

First, the French complained of specific violations of the treaty. The United States, it was alleged, still took cognizance of French prizes which were brought into court. Additional grievances were found in the use of American ports by British privateers and in the non-fulfillment of the stipulations guaranteeing French citizens a trial by consul. The arrest of the captain of the frigate *Cassius* was likewise mentioned.

The arrest, while within American waters, of the French minister Fauchet by the British frigate *Africa* constituted the second count in this arraignment of the United States.

The third complaint, dealing with the Jay treaty, was the most important. The others were subsidiary and doubtless would not have been formulated but for this main cause of irritation. It was alleged that in the treaty with Great Britain the United States had knowingly sacrificed their connection with France by defining materials for the building or equipment of vessels as contraband. The stipulation making provisions contraband at the discretion of either party was declared to be in violation of the treaty with France, and a tacit acknowledgment of the right of Great Britain to extend a blockade to the British colonies merely by proclamation. By this last provision the Jay treaty had surrendered the very independence of French commerce which it was the duty of the United States to protect.[4]

In reply Monroe took up each complaint in order. The cognizance of French prizes by American courts he considered a violation of the treaty only when they had been taken on the high seas. He practically admitted that British privateers had been allowed to enter American ports, claiming as justification that, since the United States had no fleet,

[4] Minister of Foreign Affairs to Monroe, March 11, 1796, American State Papers, I, 732–33.

this could not be prevented, and that such vessels could not be denied admission in stress of weather. The consular cognizance of offenses committed by French citizens, he declared, was a most difficult matter to manage in so large a country, but the federal courts had always aided the consuls in the apprehension of deserters. As to the corvette *Cassius,* he claimed that the courts should determine whether or not she had been fitted out in Philadelphia contrary to law.[5]

This answer of Monroe was in accordance with the facts. Of the four charges, Monroe did not wholly deny the first and the fourth, merely resting his refutation upon the construction to be placed on the law by the American courts. The second and third charges were practically admitted, but with extenuating circumstances. The weakness of the American navy and the difficulty of communication were excellent excuses, and pointed to unintentional violations of the treaty in these two instances. Monroe's defense of these alleged violations of the treaty between the United States and France was, therefore, as strong as the circumstances warranted, though it would seem that the administration had interpreted the treaty with as little latitude in favor of France as possible.

While Monroe had given as strong an answer as he could to the first count in the French indictment, he did not attempt to deny the truth of the charge that Fauchet had been seized by a British ship in American waters. In extenuation he explained that the President had taken ample measures to avenge the outrage, having revoked the exequatur of the consul who had been responsible for the seizure. Moreover, the minister to England had been instructed to bring formal complaint.

The weakest point of the defense is in answer to the third cause of complaint, the Jay treaty. England, Monroe showed, had never acceded to the principle of armed neutrality. Conditions had at least not changed for the worse.

[5] Monroe to Minister of Foreign Affairs, March 15, 1796, Writings of Monroe, 2, 467–82.

Where before there had been no regulations at all, an exact definition of rights had been secured, though better terms might have been desired. The Jay treaty, Monroe pointed out, did not prevent provisions from being carried to France, except where they had already been classed as contraband. As a sop to the French indignation at this stipulation, he called attention to the compensation guaranteed to the owner where provisions destined for a blockaded port were seized. He concluded with the hope that by candid explanations all such suspicions might be removed.[6]

The feebleness of this last defense is obvious. Monroe had evaded any direct answer to the specific complaints, and for an excellent reason. The stipulations of the Jay treaty which classed as contraband materials for ship-building, and allowed provisions to be seized merely by proclamation, constituted in fact an infringement upon the previous treaty with France. Such a matter was not to be mended by a more exact definition of contraband. The charge of favoring Great Britain and so of surrendering the former friendship for France, Monroe ignored. He had already been informed, in the defense of the United States by Randolph, that an attempt to negotiate a commercial treaty with France had failed owing to the inordinate demands of the French government.[7] This fact he should have mentioned as meeting the charge that the United States had favored Great Britain in contracting a commercial treaty, though it could not have justified the clauses that violated the treaty with France. With this exception Monroe's defense, while weak, was as strong as the facts warranted. Possibly he could have effectively met the bill of complaint with a similar list of instances in which France had violated her treaty obligations with the United States.

Other evidence shows that Monroe had answered the charges in accordance with the information on this subject that had been furnished him by the government. A letter

[6] Monroe to Minister of Foreign Affairs, March 15, 1796, Writings of Monroe, 2, 467–82.

[7] Secretary of State to Monroe, June 1, 1795, American State Papers, 1, 705–12.

of Edmund Randolph to Fauchet, which was doubtless in Monroe's hands at this time, takes up the charge that American courts had discriminated against French privateers. Congress had held, Randolph declared, the principle that it was a penal act to carry on war with nations at peace with the United States. French citizens had suffered because they had been the chief offenders. According to this principle the President interpreted the treaty to admit any armed vessels except those that came in with prizes they had made of the people and property of France. When they came in with French prizes or made of American ports stations from which to set out, they fell under the President's prohibition. Such an interpretation, of course, was much in favor of France, and practically prevented seizures of French vessels by British cruisers.

In the same letter Randolph took up the cases where it had been alleged that British favoritism had been displayed by the American government. He enclosed correspondence with the British minister, Hammond, to show that, where the British illegally brought in a French prize, they had been severely reprimanded. But the correspondence shows more than Randolph probably intended. The blustering attitude of the letter of the British minister displays little respect for the American government. While acceding to the demand that British vessels should not bring in prizes, Hammond expressly adds that he does so, not from respect for the French treaty, but from a desire for peace.[8] As an official definition of the attitude of the American government upon the alleged violations of the treaty, this letter from Randolph shows that Monroe's defense on these points was as vigorous as the circumstances permitted, for obviously the President's interpretation of the privateer clause was in direct contradiction of the treaty, and either an unwillingness or an inability to deal effectively with the offending British vessels had been displayed.

The case of Collet, captain of the frigate *Cassius,* which

[8] Edmund Randolph to Fauchet, May 29, 1795, Monroe Papers, 8, 945–46.

formed part of the French charges of violations of the treaty, requires some explanation. It had already been brought up by the French government as early as December, 1795, when Monroe had proposed, if possible, to have the matter remedied.[9] Collet's vessel, the American government claimed, had been fitted out at Philadelphia. If this was proved to be the true status of the case, Collet was liable for damage in a suit that had been instituted in the federal court by two American citizens. France claimed that the court had infringed upon the sovereignty of the French people in ruling that Collet should prove where the vessel had been fitted out, and Monroe was asked to transmit to the home government an *arrêté* threatening reprisals unless the case against Collet was dropped.[10] Answering this threat, Monroe declared that the court had merely called upon Collet to show that the seizure had been made in his official capacity. As no decision had been reached, he could not see any just ground for complaint.[11] According to his view, the French complaint in this case was badly taken, yet it must be acknowledged that, in dealing with an international affair of this kind, great lack of tact had been displayed, and certainly, before taking measures against a French officer, the American government should have at least established its case.

Perhaps feeling that the affair of the *Cassius* demanded further explanation, Pickering afterward wrote Monroe that, under the name *Les Jumeaux,* the vessel had been fitted out in Philadelphia as a privateer. Eluding the officers sent to apprehend her, she had put out to sea, but her agent had been fined $400 for violation of the law. Afterward her name had been changed to *Cassius.* To secure her release France must prove the claim that the vessel had been transferred to the French government after she had left

[9] Minister of Foreign Affairs to Monroe, and reply, December 14 and 19, 1795, Despatches, 4, 347–49.

[10] Minister of Foreign Affairs to Monroe, October 3, 1796, Despatches, 4, 422–24.

[11] Monroe to Minister of Foreign Affairs, September 27, 1796, Despatches, 4, 422–23.

Philadelphia.[12] With this explanation, which should have been made long before instead of letting Monroe alone answer the demands of the French government, a much stronger defense on this point could have been made. It must be noticed that, while Pickering had continually been urging Monroe to answer all complaints, he had hitherto withheld any official explanation of this affair. The conclusion, in view of the evidence contained in the letters from Randolph and Pickering, must be that Monroe had answered the alleged violations of the treaty with France in as adequate a manner as was possible.

Officially, Pickering expressed satisfaction with Monroe's answer to the French complaints, although he considered that the facts and arguments with which the latter had been furnished authorized a more forceful explanation on some points. In view of the scantiness of the correspondence with which the Secretary had favored Monroe it is difficult to see just what these facts were. Possibly he alluded to the letter from Randolph to Fauchet which is found in the Monroe correspondence. With the exception of the attempt to conclude a commercial treaty with Spain, Pickering's criticism is unfounded. Privately, Pickering showed his true opinion, assuring the President that Monroe's defense was as weak as possible. At the same time he insinuated that this weakness of statement was a proof that Monroe had conjured up the French dissatisfaction for party purposes.[13] This private communication shows how slightly Monroe's sincere efforts to keep the peace were appreciated, and how constantly he was liable to be maligned and misjudged by such pro-British partisans as Pickering. A very confidential letter from Washington to Gouverneur Morris, authorizing communication with Lord Grenville, fell into the hands of the French government and strengthened the

[12] Secretary of State to Monroe, July 22, 1796, Monroe Papers, 8, 995.

[13] Pickering to Washington, July 21, 1796, Writings of Monroe, 2, 402.

impression of the insincerity of the friendship of the United States for France.[14]

While endeavoring to prevent any action on the part of France that might precipitate trouble, Monroe endeavored to attain the other objects of his mission. It may be recalled that, before the President ratified the Jay treaty, Monroe had secured the promise of French aid in the negotiations with Algiers. Unofficially he was informed in September, 1795, that peace had been concluded with Algiers.[15] Apparently Monroe had been ignored in these outside negotiations. If his help was to be effectual, it was essential that he be aware of every important measure taken. Already he had informed the French government that at the request of Colonel Humphreys for French aid a special agent, Joel Barlow, had been appointed to negotiate with Algiers. When Humphreys concluded peace, ignoring the appointment of Barlow and the requested good offices of France, Monroe was placed in an embarrassing position. Finally, as a loophole of escape from such a position, Humphreys, who seems all the while to have doubted whether a lasting peace had been concluded, agreed with Monroe that Barlow should proceed upon his mission, taking the presents already purchased for use in an emergency.[16] Monroe, therefore, requested the confirmation of Barlow as consul to Algiers.[17] Humphreys seems to have realized the value of Monroe's aid in the negotiations with the Barbary States, for he soon wrote, informing Monroe that there should be a separate consul in each one of them. He also alluded to the extensive preparations, by the purchase at Paris of articles for presents, that had been made for the negotiations in Tunis

[14] Monroe to Washington, March 24, 1796, Writings of Monroe, 2, 482.
[15] Robert Montgomery to Monroe, September 26, 1795, Monroe Papers, 8, 966.
[16] David Humphreys to Monroe, October 4, 1795, Monroe Papers, 8, 967.
[17] Monroe to Secretary of State, October 4, 1795, Writings of Monroe, 2, 368–78.

and Tripoli.[18] Evidently, when he deemed it advantageous, Humphreys was very willing to disclose his plans to Monroe.

Meanwhile, Joel Barlow, upon his arrival at Alicante, found that Colonel Humphreys had not sent the promised instructions, and that, in consequence, he was left without a guide for his future conduct. This was a clear breach of the understanding between Monroe and Humphreys. A further complication was caused by the failure of the negotiations to progress as smoothly as had at first been hoped. The stipulated sum of money had not been paid and the Dey, regretting thoroughly the agreement with the United States, was anxious to recede from it. He wished rather to conclude a peace with Portugal, which probably would have meant war with the United States. Barlow even heard a rumor that the English consul had advised the Dey where to cruise for American vessels.[19] So thoroughly had Donaldson, Humphreys' agent, irritated the Dey by lack of tact that the Algerian despot threatened, if the affair was not settled within a month, that he would order all Americans to the dreaded galleys. In this crisis Barlow acted with decision. Hastening to Algiers upon his own initiative after the receipt of such alarming news, he requested Monroe to warn all American vessels from the Mediterranean until they should receive notice that it was safe.[20] Humphreys' negligence in this affair seems almost to have been intentional, for he had already written Monroe that the negotiations were to be carried on under the mediation and good offices of the French government, although he claimed that the French consul at Algiers not only had not helped, but had tried to have the demands of the Dey so augmented as to be almost impossible.[21] Yet after neglecting to send Monroe news of the attempted settlement, and then again accepting his proffered help, Humphreys had not properly

[18] David Humphreys to Monroe, October 7, 1795, Monroe Papers, 8, 969.
[19] Joel Barlow to Monroe, February 23, 1796, Despatches, 4, 365–66.
[20] Joel Barlow to Monroe, February 26, 1796, Despatches, 4, 368–70.
[21] David Humphreys to Monroe, January 23, 1796, Monroe Papers, 8, 979.

supported Barlow, the agent sent out with the knowledge of the French government, and had left him to deal with the crisis without instructions. When he found that the money could not be obtained in time Humphreys finally apprized Monroe of the condition of affairs.[22] Barlow concluded a treaty with the Dey upon principles which, he hoped, would stand.[23] In order to free the American prisoners he drew upon Donaldson, who had to his credit more than enough for the settlement. In consequence of this settlement, Barlow sent to Marseilles eighty-eight Americans and forty-seven Neapolitans who had been rescued from the horrors of Algerian slavery.[24]

The Algerian treaty was, therefore, finally concluded by Monroe's agent, Barlow. Despite the assertions of the French government to the contrary, Barlow found that the French influence with the Dey had greatly declined. England and Spain, who were both known to be hostile to American interests in Algiers, were high in favor.[25] Barlow's success under such circumstances was all the more notable.

Monroe suspected that Humphreys had acted upon English assurances of aid in Algiers. If such help had been proffered, he felt sure that it had been offered as a mere blind in order to detach the United States from France. Yet France, by doing everything in her power to aid the United States, would, Monroe wrote, create a favorable impression tending to aid the union of the two republics, and might, perhaps, help the republican cause.[26] While the copy of this letter found in the Monroe Correspondence does not disclose to whom it was addressed, it was probably sent to a French official. The treatment which Monroe had experienced from Colonel Humphreys in the Algerian negotiations had naturally irritated him, but he should not have

[22] David Humphreys to Monroe, March 3, 1796, Monroe Papers, 8, 981.
[23] Joel Barlow to Monroe, April 5, 1796, Despatches, 4, 385.
[24] Joel Barlow to Donaldson, July 12, 1796, and Deposition of Capt. Calder, Despatches, 4, 407–10.
[25] Joel Barlow to Col. Humphreys, April 3, 1796, Despatches, Algiers.
[26] Monroe to Unknown, 1796, Monroe Papers, 1, 10.

made such insinuations against a fellow diplomat. Whether or not Monroe was justified in this charge against Humphreys has not been proved. Yet to Monroe's influence must be largely credited the settlement of the trouble with Algiers, as well as the Spanish guarantee of the free navigation of the Mississippi River.

While engaged in the Algerian negotiations Monroe also took measures for the protection of American citizens in France. In view of the trouble caused by Englishmen who had secured passports under the guise of Americans, the utmost care was necessary in this matter, and Monroe promised the Minister of Foreign Affairs to scrutinize all cases closely.[27] In extending this protection Monroe insisted upon the right of American citizens to a trial by consul. In the case of William Vans, an American residing in Havre whose property had been seized by Joseph Sands, another American, he called the attention of the Directory to their right of trial by an American consul.[28] This demand, it must be conceded, was scarcely consistent with Monroe's defense of American violations of this stipulation. Upon the passage of a decree that all strangers not specifically exempted should depart at least ten leagues from Paris, Monroe asked that the one hundred and fifty Americans residing in the French capital should be excepted. As these American citizens were for the most part engaged in business, he asserted that it was for the interest of France, as well as of the United States, to allow them to remain.[29] To carry out the purpose of the French government, he proposed that all passports made out previously to the decree be recalled, and new ones issued. Monroe also sent a list of Americans in Paris for whom he could vouch, expressing at the same time his entire willingness to aid in detecting frauds.[30] This proposal must have been satisfactory to the

[27] Monroe to Minister of Foreign Affairs, May 5, 1796, Monroe Papers, 1, 20.

[28] Monroe to Secretary of State, January 26, 1796, Writings of Monroe, 2, 447–54.

[29] Monroe to Minister of Foreign Affairs, May 12, 1796, Despatches, 4, 389–91.

[30] Monroe to Minister of Foreign Affairs, May 14, 1796, Despatches, 4, 391.

Directory, as there appears to have been no further correspondence upon the subject.

The final determination of the House of Representatives to make the Jay treaty effective still further increased Monroe's difficulties. All doubt that the treaty would be put in force being now dispelled, Monroe feared that the French government would proceed to extremities. Early in June he wrote that, although no successor to Adet had been named, he supposed the appointment would be made as a mere matter of official routine. In the same letter he expressed his doubt whether any Americans would be sent out of the country under the recent decree against foreigners.[31] This last statement betrays Monroe's fear of some future hostile action on the part of the Directory. The long delay in appointing a successor to Adet was significant. The very fact that Monroe mentioned this matter shows that he feared the delay was intentional, and that the former favorable attitude toward the United States had been changed by the final determination of the House to carry out the Jay treaty.

The Directory soon apprised Monroe of its intentions. Apparently the French government had only awaited this final ratification in order to take definite action. Just two weeks after Monroe's letter to the Secretary of State, the Minister of Foreign Affairs wrote that, before laying the matter before the Directory, he wished to learn officially the truth of the report that the treaty had been ratified by the House.[32] Monroe discreetly replied that he himself had had no further news. He could, therefore, only make additional explanations of his previous answer to the complaints on this score.[33] In reply, the Minister of Foreign Affairs, as spokesman for the Directory, sent a note which had evidently been carefully considered, and which defined in unmistakable terms the attitude of the French government.

[31] Monroe to Secretary of State, June 12, 1796, Writings of Monroe, 3, 4–6.

[32] Chevalier de la Croix to Monroe, June 26, 1796, Despatches, 4, 392–93.

[33] Monroe to Minister of Foreign Affairs, June 27, 1796, Despatches, 4, 393–4.

The note declared that the ratification of the Jay treaty in the midst of hostilities between France and Great Britain had produced a breach in the friendship of France and the United States by the abandonment of the stipulations for neutrality contained in the treaty of 1778. As a result of this action, Monroe was informed that this part of the treaty was regarded as suspended.[84]

Though weak as a defense, Monroe's reply to this letter is probably as forcible as the circumstances warranted. The claim that the neutrality stipulations had been suspended by the Jay treaty was, he asserted, not established by the letter of the treaty. On the other hand, Monroe brought up the many French violations of the treaty, citing as specific instances the seizure of supplies in the West Indies and the spoliations inflicted upon American commerce. He concluded with the hope that the friendship between the United States and France might prove an enduring one.[85] Though he partially justified the course of the United States thereby, Monroe did not materially strengthen his position by indulging in these recriminations. France had withdrawn the obnoxious decree, and had already promised to pay all the damages incurred under its operation. In return the United States was under obligation not to ratify the neutrality provision of the Jay treaty. Monroe could not deny that the spirit and the operation of the Jay treaty must work much injury to French commerce.

Though no definite steps had been taken by the French government up to this time, Monroe wrote to the Secretary of State that further trouble was to be anticipated. Already the Directory had hinted that France would either press the claims for injuries by the United States, or else refuse the payments of damages for spoliations inflicted upon American commerce. As a further proof of hostility, a person high in station had intimated to him that, in concluding so hastily the Spanish treaty, the United States had committed a

[84] Minister of Foreign Affairs to Monroe, July 7, 1796, American State Papers, 1, 739.

[85] Monroe to Minister of Foreign Affairs, July 14, 1796, Writings of Monroe, 3, 27–34.

breach of friendship with France.[36] Despite these intimations of the changed attitude of the French government, Monroe succeeded in having rescinded the appointment of Mangourit on a special mission to the United States. Besides the bad effect of such a mission, this appointment would have been especially offensive to the American government, since Mangourit, as former French consul at Charleston, had proved the source of much trouble to the United States.[37]

The rumor of this envoy extraordinary to be sent by France, with a fleet to follow and enforce his commands, induced the British government to write to their minister in the United States, instructing him to represent to the American government that Great Britain would make common cause with the United States in case the Jay treaty precipitated a struggle with France. This incident illustrates the British policy of separating France and the United States as much as possible.[38]

The exercise of all Monroe's tact could not prevent altogether the retaliatory measures of the French government. A decree of the Directory soon announced that France would hereafter adopt the same policy toward neutrals as was observed by Great Britain. At the same time notice was sent to Monroe of the suspension of Adet as minister to the United States. In answer to the note transmitting this important information, Monroe wrote a most conciliatory letter, expressing the hope that this discontent might prove only transitory. Not attempting to comment on the steps that had been taken, he declared that he would await orders from the President before replying. In concluding, Monroe acknowledged the kindness with which the French government had received the explanations by which he had earnestly endeavored to prevent measures of this kind.[39] Mon-

[36] Monroe to Secretary of State, July 24, 1796, American State Papers, 1, 738–39.

[37] Monroe to Secretary of State, August 4 and 15, 1796, American State Papers, 1, 741.

[38] Secret Despatch to Liston, March, 1796, Henry Adams Collection, Liston, 1796–98.

[39] Monroe to Minister of Foreign Affairs, October 12, 1796, Despatches, 4, 427–28.

roe seems to have overestimated somewhat the importance of the withdrawal of Adet. The French government regarded this act, not as a rupture of all relations with America, but as a measure designed to drive the United States back to its old alliance with France.[40] As long as the American adherents of a French alliance were so strong and influential, there was little danger of an actual rupture which would have thrown the United States into the arms of Great Britain. Doubtless the French authorities suspected, if they did not know, the attitude Great Britain would assume in such a case. But Monroe was hardly in a position to appreciate such a policy.

In refraining from a direct reply to the note setting aside the neutrality stipulations and suspending the French diplomatic representative to the United States, Monroe followed out the instructions he had received from Pickering only a short time before. On June 13 the Secretary of State had written a most extraordinary letter as from one gentleman to another. In this communication Pickering roundly scored Monroe because, knowing as he did the discontent engendered by the Jay treaty, he had not gone before the Directory to remove these objections. In tone the letter was most offensive, the language and the entire attitude being rather that of a master to a menial. Giving the sentiments of the President, Pickering desired that Monroe at once, if he had not already done so, make full and satisfactory explanation to the French government. Moreover, Pickering curtly informed Monroe that written communications with the French government were more desirable than personal interviews. A complete copy of such communications must in all cases be forwarded to the Department of State. Assuredly this last requirement is significant of the distrust with which the administration regarded Monroe.[41] Evidently the Secretary of State had not received Monroe's letter of March 24, 1796, with copies of the French com-

[40] Minister of Foreign Relations to M. Perignon, September 24, 1796, Henry Adams Collection, Adet, 1795–97.

[41] Secretary of State to Monroe, June 13, 1796, American State Papers, I, 737–38.

plaint and his reply. Yet, even while anticipating trouble, Pickering left to the discredited minister, who had not been trusted with a copy of the Jay treaty, the form and substance of the explanations to be made. Such conduct seems to justify the charge that Monroe was being retained in office merely to keep the peace with the French government.

Monroe's answer to this letter of the Secretary of State was manly and frank. First he complained that he had been systematically ignored for the last few months, receiving from January 7 to June 13 no official communication except a brief letter from the chief clerk of the Department of State. If the government was dissatisfied with his conduct, he declared, complaint should have been made before. Nor was it a just charge that he had failed to present explanations in time, since up to February the French government had made no intimation of discontent. Very pertinently Monroe inquired whether, because he suspected that the French government was discontented with the Jay treaty, he should have invited discussion of the matter. Proceeding to show that he had made due explanations as soon as possible, Monroe related that when calling upon Jean de Brie, who was in charge of American affairs, he had found him preparing a letter on the subject of the Jay treaty, but had requested him to delay the report until the American answer had been submitted. Only after much trouble had the Directory been induced to give specific objections. While intimating that their intentions toward the United States were most friendly in regard to Louisiana, they had assured him that the decree for Adet's recall would soon be issued.[42] Later Monroe wrote that he was convinced, after explicit assurances on the part of the Directory, that France would take Louisiana only in case of a war with England, and that there was no design to seize Canada or to annex the western country to Louisiana.[43] Later developments show how hollow were the French protests in

[42] Monroe to Secretary of State, September 10, 1796, Writings of Monroe, 3, 54–62.

[43] Monroe to Secretary of State, September 21, 1796, American State Papers, 1, 744.

regard to Louisiana. This answer of Monroe is consonant with the facts as presented in the available material. He had replied to the French complaints as soon as they were presented and as vigorously as he could. Obviously he could not anticipate trouble.

Pickering appears to have caused trouble for Monroe continually, and to have worked gradually for his displacement by making insinuations against him to Washington. The marked difference in the tone of his public and private notes to the President on Monroe's reply to the French government has already been noted. At times, it must be confessed that Monroe's conduct justified this criticism. Giving the concurrent Cabinet opinion upon a letter from Monroe to Dr. Logan, which had been printed in Bache's paper, Pickering called special attention to the long detail it gave in regard to French affairs. In touching upon the Jay treaty he quoted Monroe's rather bombastic statement that it had operated "like a stroke of thunder and produced in all France amazement." This letter, Pickering declared, had not fallen into the hands of the printer inadvertently, but Monroe had sent it to Dr. Logan for that special purpose.[44] Undoubtedly Monroe had committed a grave blunder in allowing the publication of this letter. The different political standards at that time perhaps justify this indiscretion, but Pickering was quick to seize upon the part that was likely to give the greatest offense to the administration.

Not willing to trust wholly to official communications, Pickering wrote to the President privately that John Churchman, a Maryland scientist recently in Paris, had stated that most of the talk in that city about the Jay treaty had been by Americans rather than by Frenchmen. This statement was misleading. Churchman, a plain American citizen, was hardly in a position to be conversant with the sentiment of the French government. In view of Monroe's letters and

[44] Pickering's Report, July 4, 1796, and Monroe to John Logan, June 24, 1795, Writings of Monroe, 3, 6–8.

his well-known character for probity, such a statement should not have been credited for a moment.[45]

Pickering's continued insinuations eventually prevailed. In November Monroe was notified of his own removal, for causes already given in the note of June 13, and of the appointment of Charles C. Pinckney as his successor. Pickering alleged that the President's obligation to keep the peace with France had led to the letter of June 13, especially after the communications from Monroe in February and March. "A further consideration of these circumstances," he adds, "with other concurring circumstances determined the President to make the appointment I have announced." It is a noticeable fact that Pickering fails to specify these "concurring circumstances."[46]

While Monroe does not seem intentionally to have opposed the administration at this time, he was indiscreet, both in sending and in receiving letters hostile to the party in power. Such conduct gave color to Pickering's insinuation that he was working against the interests of the American administration. Just before the President signed the Jay treaty Melancthon Smith wrote to Monroe that Jefferson, who was popular, never would have signed such an instrument.[47] So obviously to push Jefferson forward as a possible Presidential candidate was much out of taste in a letter written to an American minister. After Washington had signed the Jay treaty Robert R. Livingston announced that the British had renewed their depredations. He cited the attempt to seize M. Fauchet and the alleged opening of Monroe's despatches by British agents as signs of the real hostility of Great Britain. Livingston assured Monroe of the warm attachment of the American people for France, and enclosed resolutions of different towns to this effect.[48]

[45] Pickering to the President, July 29, 1796, Writings of Monroe, 2, 494.

[46] Secretary of State to Monroe, August 22, 1796, American State Papers, 1, 741–42.

[47] Melancthon Smith to Monroe, August 6, 1795, Monroe Papers, 8, 959.

[48] Robert R. Livingston to Monroe, August 25, 1795, Monroe Papers, 8, 960.

Jefferson also, in writing to Monroe, spoke of the bitter hostility of the American people toward the Jay treaty, since they considered that it was hostile to France. In case it received the executive sanction he feared a clash between Congress and the President. Jefferson especially commended the bravery of Stevens Thomson Mason, who, despite the Senate's wish for secrecy, had given out the treaty.[49] Even Samuel Bayard, in charge of American claims at London, admitted that, beyond securing the evacuation of the western posts, Jay had accomplished nothing, and had committed many errors of judgment.[50] These letters show that Monroe kept himself informed of the sentiments which the Jay treaty had produced in America. Nor does this information appear to have been altogether unsolicited, for, in a letter to Aaron Burr, Monroe asked to be informed of the exact state of feeling which the Jay treaty had produced in the United States. He also remarked that the condemnation it had already received there had produced a most happy effect in France.[51] Just what use Monroe made of the information that he received from all these letters cannot be definitely proved. Assuredly he was on terms of the friendliest intercourse with officials of the French government. Whether he communicated the information from America to the French officials is not certain. If he did, it was probably in a semi-official way, as his motives to prevent discord between the United States and France are unquestioned. At least he seems to have been able to gauge accurately the state of feeling in France, and not to have hesitated to communicate it to his friends in America.

In a letter to Madison, Monroe explains his attitude in trying to conciliate the French government. As giving his view of how far he might go in this delicate matter, this letter is most important, as it shows to what extent the accu-

[49] Thos. Jefferson to Monroe, September 6, 1795, Monroe Papers, 8, 962.

[50] Samuel Bayard to Monroe, October 18, 1795, Monroe Papers, 8, 970.

[51] Monroe to Aaron Burr, January 10, 1796, Monroe Papers, 1, 8.

sations on this score that were afterwards made against Monroe were true. Speaking merely as an outsider Monroe asserts that the American sentiment in regard to the treaty had produced a favorable impression in France. He carefully explains his position in the matter. As it is important to see just what bounds Monroe considered would be observed, this statement may be quoted in part. Monroe asserts that he has never touched upon the Jay treaty "except when mentioned informally to me, and then confining myself to the limits observed by the other party, giving only such explanations as were sought and inculcating always good temper and moderation on the part of this government toward us, as the surest means whereby to unite forever the two republics."[52] Just how far Monroe went in these informal conversations he does not indicate. Even if he confined himself within the limits set by the other party he might have erred considerably. It would have been more discreet if he himself had set the limits. Knowing well, as he did, the sentiments of the American people, the predilection for France which Monroe had not hesitated to exhibit in other instances might well have led him to betray this state of feeling to the French government. In his endeavor to keep the peace he had doubtless discriminated, probably unconsciously, between the attitude of the government which he represented and that of the American people.

The news of Pinckney's appointment was not wholly unexpected. Monroe had received a previous warning that he might anticipate recall. In sending him a publication dealing with the relations between the United States and France, Henry Tazewell declared that he thought it might be intended for use in influencing the coming elections, or as a feeler to test the advisability of Monroe's recall. He warned Monroe, therefore, that very probably those in favor with the President might work for his recall. The alleged loss of public money in Monroe's house and rumors that he had become a heavy speculator in France formed the basis

[52] Monroe to Jas. Madison, January 12, 1796, Writings of Monroe, 2, 432–39.

of charges which, in Tazewell's judgment, were likely to injure him greatly. As his friends knew nothing of the facts, they had been unable to explain these charges.[53]

A letter written to Madison in July shows that Monroe was deeply hurt by these charges and by the indifference with which he had been treated. Monroe expressed his belief that the pro-British party wished to take advantage of the French alliance, while at the same time making representations of friendship to England. His speech before the Convention and the documents that he had then produced had lost them the confidence of the latter country. Indeed Monroe intimated that the administration desired a rupture with France. Most important of all, he expressed his earnest wish for the election of Jefferson as President, since he was convinced that, in that event, the relations with France would be adjusted satisfactorily.[54] From this last statement the inference might be drawn that Monroe's real purpose in retaining his office, despite the insult and indifference with which he had been treated, was to preserve the peace with France until the party in favor of the French alliance might come into power. His recall blasted all such hopes.

In the instructions to Pinckney, Pickering reveals the true cause for Monroe's recall. Pinckney is specifically told to remove all suspicions that the American government is really hostile to France, and to try to restore the former friendship for the United States. Especially is he to assure the French government that the sentiments of the government and of the people of the United States are the same.[55] Monroe had received a charge similar to this last clause, and had perhaps gone contrary to this injunction, although unwittingly. In the light of after events, Monroe's attempt to represent the people rather than the government of the United States appears to have constituted the real reason

[53] Henry Tazewell to Monroe, May 19, 1796, Monroe Papers, 8, 989.

[54] Monroe to Madison, July 5, 1796, Writings of Monroe, 3, 19–27.

[55] Thos. Pickering to Chas. C. Pinckney, September 14, 1796, Instructions, 2, 244–57.

for his removal. The private correspondence of Pickering with the President points to a like conclusion.

Despite the disagreeable circumstances of his own recall, Monroe did everything possible to smooth the way for his successor. Accordingly, immediately after Pinckney's arrival, he tried to arrange for his reception and for taking his own leave. But the French government, in notifying Monroe that the functions of the French minister to the United States were suspended, had already given an intimation that diplomatic relations were dissolved. Expressing the anxiety of the Directory to reëstablish the former friendly relations with the United States, the Minister of Foreign Affairs pointedly called attention to his willingness always to listen to explanations, and especially those given by Monroe.[56] This statement seems to imply that the rumor of Monroe's recall had reached France, and to intimate that no other minister would be acceptable. Certainly it was indicative of a strong trust in Monroe as distinguished from the American administration. Doubtless the Directory was well aware of Monroe's sentiments and of his correspondence with the advocates of the French alliance. That Monroe himself had deliberately attempted to discredit the American government cannot be proved. Notwithstanding the significant warning contained in this note and the recall of Adet, the Minister of Foreign Affairs appointed a day on which to receive Mr. Pinckney. Two days later a second note informed Monroe that the Directory had finally decided not to receive nor to recognize a minister from the United States until the present trouble had been settled.[57]

Monroe himself took leave of the Directory on December 27, 1796. While his farewell speech was not nearly so fulsome as his opening address before the Convention, it was decidedly in accordance with his sentiments in favor of France. Congratulating the Directory on the internal peace of the country, he declared that he would do everything possible to

[56] Minister of Foreign Affairs to Monroe, October 7, 1796, American State Papers, I, 745.

[57] Minister of Foreign Affairs to Monroe, December 9 and 11, 1796, American State Papers, I, 746.

promote harmony between France and the United States. He also acknowledged the kindness he had received at the hands of the French government. The answer of the President of the Directory was in a similar strain. At first upbraiding the United States for preferring Great Britain, he recalled the effectiveness of the French aid during the American Revolution. Evidently the President intended this part of his address as an official complaint to the American government. Proceeding to take leave of Monroe personally, the President's tone changed. Descanting upon the esteem of France for the American people, as distinct from the government, he directed Monroe to assure them that France was altogether willing to restore the former friendly relations. A part of the conclusion of his speech may be quoted to show how the government regarded Monroe: "As for you, Mr. Plenipotentiary, you have combated for principles, you have known the true interests of your country, depart with regret. We restore in you a representative to America, and we preserve the remembrance of the citizen whose personal qualities did honor to that title."[58] Such open expression, however, shows that Monroe, though probably unconsciously, had made a distinction between the sentiments of the American government and those of the people. Even though he did not do this intentionally, such a course must have justified his recall.

Monroe sailed for America on January 1, 1797. After his arrival none of the many expressions of sympathy and good will with which he was showered was more appreciated than a series of resolutions passed at a mass meeting of citizens of Philadelphia, which, in the highest terms, endorsed his conduct during the mission, affirming that he had done nothing for which any American citizen might need to blush.[59]

[58] American State Papers, 1, 747.
[59] Resolutions, Monroe Papers, 8, 1005.

CONCLUSION.

It is a difficult matter to estimate fairly Monroe's mission in France. A great mass of correspondence upon this subject is available, but almost the whole of it is more or less tinged with partisanship. Political feeling ran high during those early days of the American republic, and public men were quick to misconstrue the acts of their opponents. The standards of the times were different from those of the present. With scarcely two decades of national existence passed, a real criterion of the conduct appropriate to public life had not been fully established. In view of these facts it is well-nigh impossible to give an accurate judgment of Monroe's actions as minister to France. Yet certain documents are available from which a fairly satisfactory conclusion may be reached.

After Monroe's arrival in the United States the subject of his mission was revived. He felt that it was necessary to clear his good name of the many accusations that had been brought against him. With this purpose, in answering the letter of recall, Monroe asked for the exact reasons for his removal, in order that he might make a suitable reply.[1] Pickering refused this request, alleging that the President possessed discretionary power of recalling ministers to foreign countries upon grounds which he might not care to make public.[2] This refusal by Pickering was hardly in accordance with Washington's instructions at the time of Monroe's recall. Always kindly and considerate to others, the President had written Pickering in a private letter that, as Monroe's recall had been decided upon, it was "candid, proper, and necessary" to apprize him of the fact and, "in proper terms," of the motives that had impelled it.[3] Certainly Pickering's brief letter of recall was hardly in accord-

[1] Monroe to Secretary of State, July 6, 1797, Writings of Monroe, 3, 66–67.

[2] Timothy Pickering to Monroe, July 17, 1797, Monroe Papers, 8, 1018.

[3] Washington to Pickering, August 10, 1796, Writings of Washington, 13, 256–57.

ance with these instructions. Had Washington been President when Monroe asked for an explanation, he would doubtless have received at least a more gracious answer. Pickering's curt refusal illustrates the bitter party spirit that was so strong between Federalists and Anti-Federalists during the administration of John Adams.

Monroe maintained that the executive was accountable to the government and that to hold an opposite doctrine was wholly contrary to the principles of republican government. In a very formal note, written to Pickering in the third person, he requested that he be assigned desk room that he might revise his correspondence with the Department of State.[4] No answer was vouchsafed by Pickering to these communications. Finally Monroe's persistence elicited a reply. While assuring Monroe that he might revise his correspondence at his pleasure, Pickering affirmed the right of the President to withhold his reasons for the removal of all officers, except judges, who had been appointed with the consent of the Senate. Going into details, Pickering intimated that, in dismissing a minister, the President might have had reports from sources improper to disclose. Furthermore, Pickering declared that, if a minister had been found lacking in judgment, skill or diligence, or if there had been any doubt as to his views, his removal was justified. Again, it was possible that a minister, while officially loyal, might hold improper correspondence on political subjects or associate with the opponents of the government he represented, or he might even, from mistaken views of his duty, have spread wrong ideas of the administration to which he owed his appointment. That he might soothe Monroe's wounded feelings, Pickering implied that removal did not always mean misconduct, adding significantly that the President might remove a public officer on good grounds which he reserved to himself so that the succeeding administration could not possibly find the reasons for the removal.[5]

[4] Monroe to Secretary of State, July 19, 1797, Writings of Monroe, 3, 70–73; Department of State, Despatches, 4, 432.

[5] Timothy Pickering to Monroe, July 24, 1797, Monroe Papers, 8, 1020.

This letter is a most significant one, plainly giving the reasons for Monroe's recall. The hints of improper correspondence, of association with persons hostile to the government, and of constant subversion of its interests, point to the reasons for the dismissal. Monroe had carried on improper correspondence with the opponents of the government in America; he had harbored Paine, a violent enemy of Washington, in his own household. Also he had been charged with exciting the enmity of France against the American government. Altogether, the official bill of complaint against Monroe, though veiled in hypothetical cases, was most apparent in this letter from Pickering. Certainly is was as much of an official explanation as Monroe could well have expected from so ardent a Federalist. The next day Pickering wrote again that, while he was unable officially to give the reasons for the recall of Monroe, he would, as an individual, give the opinions for Monroe's removal that were expressed to the President during the previous summer.[6]

Pickering's two letters deprived Monroe of any hope of an official declaration of the cause for his removal. It is a significant fact that they were not copied in the official records but are to be found only in the Monroe Papers. While Pickering's attitude was in accordance with the conditions made in the appointment, which reserved to the President the power of removal at pleasure, Monroe considered that he was entitled to more explanation than mere insinuations upon his conduct. The doctrine enunciated by Pickering, he declared, made all public officials the menial officers of the President. As for the innuendoes that he had been the tool of France, he asked for proof, and he added that, since his political views were fully known at the time of his appointment, nothing could be alleged in that respect.[7] This last statement is practically an apology for Monroe's greatest mistake. Whether knowingly or not, he had posed as the representative of the party in favor of the

[6] Timothy Pickering to Monroe, July 25, 1797, Monroe Papers, 8, 1022.

[7] Monroe to Secretary of State, July 3, 1797, Writings of Monroe, 3, 73–84.

French alliance. While the President had known his views, he was justified in supposing that Monroe would have displayed more discretion in expressing them. On the same date, in a very formal note Monroe informed Pickering that he could communicate with the Cabinet only through the administration in a matter for which he held the latter responsible. He intimated that the individual members of the Cabinet had the medium of the public press if they cared to use it.[8]

Although Monroe failed to secure official information of the reasons for his recall, a concurrent letter from the members of the Cabinet on this subject is found in Washington's Writings. Dated July 2, 1796, doubtless after Monroe's reply to the French complaints had been received, the letter considers that Monroe had not made the requisite explanations to allay the discontent of the French government. The note encloses a private letter from Monroe which had been confidentially handed to the Cabinet, and which criticised different policies of the government. The Cabinet note declares that a man who carried on confidential correspondence with the enemies of the government could not be relied upon to do his duty. The person to whom this letter was addressed and the means of getting it are not given in the note. The whole affair is to be kept secret. It may be recalled that a very similar letter had been criticised by Pickering in a private communication to Washington about this same date. Besides the letter, the Cabinet note mentions, among other circumstances, the anonymous letters from France to Thomas Blount and others. The author, it had been discovered, was Montflorence, the Secretary of the Consul-General at Paris, Fulwar Skipwith. From Monroe's close connection with these persons, the Cabinet concludes that he must have had knowledge of these anonymous letters.[9]

Other testimony from members of the Cabinet, in addition

[8] Monroe to Secretary of State, July 31, 1797, Despatches, 4, 436.
[9] Cabinet Letter to the President, July 2, 1796, Washington's Writings, 13, 216–17.

to what has been shown as to Pickering's opinion, show the reasons that induced Washington to recall Monroe. Oliver Wolcott had already written Hamilton that for some time he had believed that Monroe should be recalled. Others, he alleged, who had doubted the wisdom of the step, were now convinced that it must be taken to stop false representations which were being made to the French government.[10] A letter of July 7 from Charles Lee, the Attorney General, confirms the opinion of the Cabinet that the President could not lawfully, during a recess of the Senate, appoint an envoy extraordinary to Paris, but that Monroe should at once be removed, and another minister appointed. As a reason for Monroe's recall Lee cites his failure to justify to France the motives of the United States with respect to Great Britain. He also considers Monroe's correspondence with the President infrequent and reserved. In fact he believes, what was true, that Monroe's correspondence with opponents of the administration was more frequent and confidential than that with the President. As a result he expresses his belief that Monroe was forwarding in France the interests of a faction rather than those of the government of the United States.[11] These letters show that Pickering, by innuendoes, had given the substance of the reasons for Monroe's recall. The very fact that much of the information upon which they were based was confidential made necessary the refusal of the administration to formulate these charges officially.

By delaying the settlement of his accounts Pickering still further exasperated Monroe. Not until April 13, 1798, over a year after the close of the mission, did he deign to apprise Monroe that certain of the items were inadmissible without the evidence of payment.[12] A receipt dated July 23, 1798, shows that the first payment was delayed still longer.[13]

[10] Oliver Wolcott to Hamilton, June 14 and 17, 1796, Hamilton's Works, 6, 129, and 132–33.
[11] Chas. Lee to Washington, July 7, 1796, Washington's Writings, ed. Sparks, 11, 485–87.
[12] Timothy Pickering to Monroe, April 13, 1798, Monroe Papers, 8, 1034.
[13] Monroe Papers, 1, 31.

While the administration refused officially to give proofs of the charges against Monroe, or to furnish any information on the subject of his recall, prominent Federalists busied themselves in making accusations against him. The rumor that the recall was due to his speculation was revived, and he was asked for an exact statement so that his friends might refute the imputation.[14] In answer Monroe asserted that, though he had had ample opportunity for speculation, his sole investment had been the purchase of the house in which he lived while in Paris. This had not been bought from the French government, but from the previous owner who had sold it to pay his debts. Monroe enclosed papers in this same letter to prove the falsity of the charge that he had failed to forward a draft to Holland. A signed statement of William Lee, who had resided in Paris during 1796 and 1797, and who avers that he had known Monroe and his family well, confirms Monroe's statement in regard to the purchase of the house. This certificate, together with Monroe's own vigorous denial, completely disposed of the charge of speculation or of carelessness with the public money.[15]

Charges brought by Robert Goodloe Harper in the public press were semi-official, as their author was one of the ardent Federalists at that time. He repeated Pickering's insinuation that Monroe, in common with other Americans in Paris, had stirred up the present strife by his imprudent conduct and was, therefore, responsible for the state of affairs. When, in Monroe's absence, W. B. Giles called upon Harper to prove his charges, he promised to make a detailed statement.[16] This signed document really formulated the charges which Pickering had refused to give. Harper first asserted that in private conversation with several members of the French government Monroe had expressed his doubts as to whether the American people

[14] Elbridge Gerry to Monroe, April 4, 1797, Monroe Papers, 8, 1011.

[15] Certificate of Wm. Lee, July 10, 1799, Monroe Papers, 8, 1049. Monroe to Geo. Clinton, July 25, 1796, Writings of Monroe, 3, 36–41.

[16] Correspondence between W. B. Giles and Robert Goodloe Harper, May, 1797, Monroe Papers, 8, 949 and 1012–15.

would submit to the Jay treaty, even if it were ratified by the Senate and the President. As this statement had been made in a private capacity, Harper laid little stress upon it, considering it a mere indiscretion.

As the next point in the charges, in quoting the signed certificate of one whom he described as a most honorable man, Harper accused Monroe of making his house the rendezvous of all American citizens opposed to the administration. Monroe himself, it was charged, at his own table, in the presence of several opponents of the American government and of some members of the French administration, had been particularly intemperate with respect to the British treaty and in his censures upon Washington, Jay and the Senate as its promoters. In this connection the author affirmed that Monroe had spread the idea that the American people were opposed to the policy of the executive toward France. Moreover, the statement alleged that Monroe had taken the lead in passing censure in the most unguarded terms upon measures of the American government.

Harper also alleged that Monroe had openly protected Thomas Paine as an inmate of his house, when he was known to be writing against the President of the United States and to be using every avenue in his power to influence the French government against that country. Also Harper mentioned a conversation before many persons, and especially representatives of the French government, in which Monroe declared his belief that Jay had been bribed to sign the British treaty. Although he did not possess a signed certificate of this last statement, Harper averred that he could readily obtain one. These facts, he considered, were sufficient to show that Monroe, by his actions, had confirmed, if not produced, the unfavorable impressions of the French government from which flowed such unpleasantness. If Monroe denied all these facts, Harper promised to produce his informant.[17]

The charges brought forward by Harper are at least partially met by a statement from Dr. Enoch Edwards which

[17] Robert G. Harper to W. B. Giles, June 14, 1797, Monroe Papers, 8, 1016.

was written at Monroe's request. As Dr. Edwards had been constantly at Monroe's house in Paris, he was well qualified to speak. Monroe had asked him specially to refute the charge that he had displayed hostility toward the President.[18] In response Dr. Edwards declared that Monroe had frequently expressed to him his uneasiness on account of Paine's writings, and had asked Mr. Pinckney not to convey to London for publication a letter by the erratic author. Monroe had also tried in vain to prevent the publication by Paine of a pamphlet which attacked the President. Before a fête given to celebrate the Fourth of July in Paris, Monroe had informed him of a rumor that the President was not to be toasted, and had asked him to prevent, if possible, such ill-bred conduct, intimating how disrespectful it would be to him as American minister. Dr. Edwards declared that he had tried fruitlessly to remedy the matter. When, after sixteen toasts, none of them to the President of the United States, the health of General Washington was proposed, Monroe had responded with marked enthusiasm. Dr. Edwards afterward related this incident to Washington, explaining also Monroe's conduct toward Paine. In regard to Monroe's attitude as a whole, Dr. Edwards, who was certainly in a position to speak with authority, declared that without partiality he could say that, during his entire stay in Paris, he had considered that Monroe's first aim had been to do all the good in his power to the United States by endeavoring to keep the peace with France, a task which Dr. Edwards considered a most difficult one. Dr. Edwards then showed that Monroe had always exhibited a great aversion to disputes between Americans. In this connection he called attention to Monroe's displeasure when at his table a young man spoke slightingly of the British treaty.[19]

This letter from Dr. Edwards shows that Monroe's intentions were good and that he had exhibited no hostility toward Washington himself. But it does not disprove,

[18] Monroe to Enoch Edwards, February 12, 1798, Writings of Monroe, 3, 98–100.

[19] Dr. Enoch Edwards to Monroe, April 20, 1798, Monroe Papers, 8, 1036.

what Monroe's own correspondence has shown, that he was most indiscreet in the means by which he tried to further the aims of his mission as he construed them to be. Nor does it refute the charge that he had distinguished between the sentiments toward France of the government and those of the people of the United States.

Two letters from Monroe to Madison written before his recall aid in refuting the charges of complicity with Paine or of hostility toward Washington. Doubtless anticipating accusations owing to his connection with Paine, Monroe wrote Madison on January 20, 1796, in order to forestall them. He had received Paine into his household, he declared, because Paine was too sick after his release to go to America. Paine, however, had refused to see that he should not implicate Monroe by writing for the public at this time. Fearing the consequences of such conduct, Monroe had begged Paine not to send a letter upon public affairs to England and America, but Paine had made no promises. Then Monroe asked Madison to see that it was suppressed.[20] A copy of this letter was sent to Burr, showing Monroe's anxiety to free himself from all accusation incident to Paine's headstrong conduct. In the second letter to Madison, written July 5, 1797, Monroe explained the incident of the toast to Washington which had been mentioned by Dr. Edwards. Several opponents of the Jay treaty had been opposed to any such toast, but Monroe had sent word that he would not attend unless the health of the Executive was proposed. A misunderstanding arose, and the toast given to "General Washington," and not to "the Executive," had caused some opposition. In order to stop any talk about the matter, Monroe declared that he thought it best to give Madison these facts. Incidentally Monroe mentioned in this letter that Paine had left his house and was preparing a virulent attack upon Washington. Monroe expressed his fear lest Paine might publish matters that had been mentioned in private conversation while the latter was an inmate of his

[20] Monroe to Madison, January 20, 1796, Writings of Monroe, 2, 440–47.

house.[21] This last statement was an admission that Monroe had been indiscreet in expressing his opinion, and that Paine could, if he would, publish matters that would have been very detrimental to him. Monroe's anxiety in regard to Paine was not altogether ill-founded, as the erratic author had already written a letter to Washington which was most insulting in its terms and which accused the President of treachery in not having rescued him from prison. A statement in this communication that, upon the representations of Monroe, Paine had not sent a former letter to Washington, cleared Monroe entirely from all blame.[22] Madison wrote that Monroe should not fear that he would be involved, even though Paine had written to the President.[23]

The testimony of all these letters brought as evidence in answer to Harper's charges shows that Monroe was not hostile to Washington, and that he had endeavored to uphold the respect due the President, not only as a patriot, but also as the American executive. In attending the Fourth of July banquet in his official capacity as minister from the United States, Monroe was indiscreet, unless he had been certain that all due respect would be paid to the American government. When the misunderstanding did arise, his displeasure should have been expressed in unmistakable terms. In admitting Paine to his house Monroe was guilty of another grave indiscretion. While the testimony shows that he did all in his power to stop the publication of any article by Paine detrimental to the government, his own admission proves that Monroe was not so discreet in private conversation with this well-known enemy of the President. Monroe's greatest mistake arose from his too kind heart which had prompted him to help Paine in his distress. Paine could have easily been aided until he was well enough to leave the city, but no minister could afford to have such a man as a member of his household.

Aside from the testimony brought forward in rebuttal of

[21] Monroe to Madison, July 5, 1796, Writings of Monroe, 3, 19–27.
[22] Thos. Paine to Washington, September 20, 1795, Washington Papers, 82.
[23] Madison to Monroe, April 7, 1796, Madison Papers, 5, no. 115.

these charges against Monroe, the character of the author, Robert Goodloe Harper, tends to weaken their force. An ardent Federalist, and a member of Congress from South Carolina, he was described in a confidential letter from Pierce Butler to Madison as generous and honorable, though impressionable and liable to be carried away by the emotions of the moment.[24] This estimate is confirmed by a careful examination of an address to his constituents on the dispute between the United States and France. This speech, which was printed in London in pamphlet form, takes a most extreme view of the insincerity of the French protestations of friendship. So one-sided are the arguments that the publisher, after pointing out several fallacies, appended Monroe's view in order, as he says, to give a just estimate of the question.[25] Yet the conclusion is inevitable that, although Robert Goodloe Harper's statements were undoubtedly exaggerated, they must have had at least a substratum of truth.

In order to defend his reputation from the numerous calumnies that had been brought up by the Federalists, Monroe determined to publish in full his correspondence with the Department of State during his mission. Writing to him in regard to this proposed defense, Robert R. Livingston praised Monroe's courage in undertaking a mission which he himself had refused from an unwillingness to place himself in the power of a man who would ruin his reputation. Doubtless this is an allusion to Hamilton, who was believed by many of the Anti-Federalists to have instigated all the abuse of Monroe, though there is no definite proof of the charge. Livingston advised Monroe to avoid giving the pamphlet the form of a defense. He considered that the public were disposed to believe that, through the connivance of the administration, improper sacrifices had been made to Great Britain, and that the engagements with France had been violated under pretense of a neutrality. Livingston

[24] Pierce Butler to Madison, January 23, 1795, Madison Papers, 20, no. 79.

[25] Observations on the Dispute between the United States and France, R. G. Harper, Philanthropic Press, London, 1797.

advised Monroe that the moment was most propitious to confirm this opinion, provided the evidences of duplicity on the part of the administration were in his possession.[26] Above all, he should make his personal interests secondary and be careful not to depreciate Washington. Jefferson, also, advised Monroe to avoid any inculpation of Washington in his book, nor should he revive the old cry of attempting to distinguish between the government and the people.[27]

Following somewhat the conservative lines laid down by Livingston and Jefferson, Monroe published his pamphlet under the comprehensive title: "A View of the Conduct of the Executive in the Foreign Affairs of the United States as connected with the Mission to the French Republic during the years 1794–96." Reviewing his course during the entire mission, Monroe replies to the various accusations that had been made against him. Most of these arguments have already been presented. The policy of the administration toward France is summarized under fourteen heads. This succinct and important account gives in epitome the substance of the View. The mistakes of the administration as Monroe gives them in this summary were:

1. The appointment of a minister (Morris) at the beginning of the French Revolution who was a well-known royalist partisan.

2. The continuance of such a minister in office until France had set aside several articles of the treaty.

3. His removal solely upon the demand of the French government.

4. The appointment of Monroe after his public denunciation in the Senate of the Jay and Morris missions.

5. The instructions to Monroe, which, while not positively denying Jay's powers to negotiate a commercial treaty, implied none. This was done, Monroe asserted, not upon the French demand, but merely to promote tranquillity.

[26] Robert R. Livingston to Monroe, July 23, 1797, Monroe Papers, 8, 1019.

[27] Thos. Jefferson to Monroe, October 25, 1797, Jefferson Papers, Series 1, Vol. 7, 180.

6. The documents that were given to Monroe to prove the strong attachment of the administration for France.

7. The resentment of the administration upon their publication.

8. The approbation of the administration when Monroe pressed the demands for a redress of commercial grievances and its silence when France showed an opposite tendency.

9. The granting of power to Jay, during the war between France and England, to conclude a commercial treaty with the latter, while no similar steps were taken with regard to the former power and overtures for this purpose were coldly received.

10. A great mistake was made in withholding from Monroe the contents of the Jay treaty until after its ratification by the Senate. This exposed Monroe to much personal embarrassment in view of the explanation of the motives that produced the treaty which he had given the French government by order of the administration. Monroe considers this a conclusive proof that the department did not deal fairly with him from the beginning.

11. Monroe claims that the submission of the treaty to Adet after it had been clear that ratification was intended was done, not to get the French minister's consent, but to uphold the conduct of the administration.

12. Monroe condemns the treaty itself.

13. Since its ratification, the conduct of the executive toward France has been constantly irritable.

14. Monroe's recall when he had succeeded in quieting the French government was a bad political move.[28]

In the library at Mount Vernon a copy of Monroe's View with marginal notes by Washington was found. Washington takes up especially the fourteen mistakes there enumerated. As presenting the controversy from the President's point of view, these comments are especially important.

The first of the charges is answered only partially. Since the French government was a monarchy when Morris was appointed Washington claims that the political views of

[28] Writings of Monroe, 3, 450–51.

the minister were of little importance. Washington proceeds to enlarge upon the zeal and high character of Morris, but makes no comment upon the second and third points in Monroe's arraignment. Washington's entire comments on these first three charges confirm the view that Morris was retained as long as possible by the administration, and that Monroe's appointment was a matter of necessity to keep the peace with France.

Washington does not consider at all the fourth charge, the alleged mistake made in the appointment of Monroe despite his well-known views in opposition to the policies of the administration. Instead he indulges in some biting sarcasm at Monroe's expense, averring that he was not aware that Monroe was one of the leaders of the Senate at the time of his appointment.

The most important of these marginal notes refers to the Jay treaty and to the consequent trouble with France. Meeting the fifth charge, that Monroe's instructions as to the Jay mission were misleading, Washington begs the question by declaring that France had no right to review the private instructions to Jay, an American minister. Indeed, he blames Monroe for his stupidity in misconstruing the part of his instructions which related to the Jay mission. Randolph's statements show that in this instance Washington's prejudice against Monroe had blinded him to the fact that the instructions had been misleading if taken literally, and apparently were so intentionally.

In reply to the sixth charge Washington claims that the documents given Monroe attesting the friendship of the United States for France were sincere, and that no departure from the sentiments therein expressed can be shown.

As to the seventh charge of resentment for so public a presentation of the letters from Congress, Washington rightly claims that Monroe's action was not only unnecessary, but that it was also impolitic. If the neutrality of the United States was to be preserved, it was not best to present these resolutions with so much éclat. Washington

enlarges upon this view in criticising another part of Monroe's pamphlet.

Reviewing the eighth charge, Washington asserts that it was not necessary to express approbation for the mere performance of one's duty. Although nothing can be said against this rather frigid statement, a little encouragement would have been most welcome to Monroe in the midst of the difficulties under which he labored. But Washington goes farther in saying that, if any benefit had come from the offers of aid in the negotiations with Algiers and Spain, it would have been promptly acknowledged. This last statement is hardly in accordance with the facts. Effective aid had been rendered, but evidently the fact had been carefully concealed from the President.

The reply to the ninth charge is most effective and reasonable. Washington upholds the right of the United States to send Jay to negotiate a commercial treaty. As advances made to France for the negotiation of a similar treaty had been repulsed, the administration, in Washington's opinion, did not commit a breach of neutrality in entering upon such an engagement with England.

The answer to the tenth criticism is a most just one. Monroe, as Washington asserts, had brought himself into trouble by his own lack of judgment in promising to communicate to the French government the contents of the Jay treaty. The refusal to give him the treaty was, therefore, justifiable.

Washington does not meet the eleventh charge in regard to the submission of the treaty to Adet, merely denying the right of the French minister to review it. It must be confessed that this is a weak defense. If the ratification of the treaty had been decided on, what other object could there have been in submitting the treaty to Adet, as if for his advice, than to delude him into the belief that his opinion would have weight?

In reply to the twelfth charge Washington claims that the French treaty is on its former footing despite the one nego-

tiated by Jay. He does not attempt, which would have been impossible, to meet the argument that the latter had infringed upon the rules of contraband.

In reply to Monroe's thirteenth charge Washington denies that the conduct of the executive toward France, since the ratification of the Jay treaty, had been irritable, and he calls for proof of such a statement.

On the question of Monroe's recall, Washington indulges in personalities, accusing Monroe of acting as the mere tool of the French government. While asserting that Monroe had been cajoled into the belief that his influence with France was great, Washington does not mention the important aid he had secured in the Spanish and Algerian negotiations, nor that twice he had prevented the despatch of a special envoy to the United States. Elsewhere in these notes on Monroe's View Washington criticises the author as promoting the views of a party which attempted to favor France by obstructing every measure of the administration and by trying to hurry the country into war with Great Britain. In all these notes the mistakes which Monroe made are carefully noticed, while there is no praise for what he actually accomplished.[29]

The pamphlet was widely circulated in the United States. Several letters from leading Anti-Federalists show the approval with which they received it. Thomas Jefferson wrote that it carried instant conviction, and that the facts were unassailable.[30] John Taylor, writing from Richmond, said that the book had been so popular there that it had been almost impossible to obtain a copy. Commenting upon the entire controversy, he blames the constitutional system that allowed Monroe to be sacrificed. Taylor declares that no one could believe that either Monroe's letter to Logan or the notes he scribbled about the affairs of France were at all offensive to the government, nor was it conceivable that his successor could better serve the interests of the United States with the French government. The attempt to do

[29] Washington's Writings, 13, 452–93.
[30] Thos. Jefferson to Monroe, April 5, 1798, Monroe Papers, 8, 1032.

this, Taylor considered, was Monroe's greatest error. He had failed to distinguish properly between the government and the nation, and had unluckily looked into his instructions for the true purpose of his mission. Therefore, Taylor concluded that Monroe had been sacrificed as an example to teach diplomats the distinction between the public good and the will of the government. This last assertion was probably true. Therein lay the real reason for all Monroe's mistakes and, therefore, for his recall.[31]

The publication of Monroe's View was the signal for another outburst of Federalist accusations levelled against him. Under the nom de plume of "Scipio," Uriah Tracy, a member of the Senate from Connecticut, published a series of articles in Fenno's Gazette which, in the opinion of Pickering, fully met all of Monroe's arguments.[32] These articles, which were afterward collected and printed in pamphlet form, may perhaps be termed the Federalist manifesto on Monroe's mission. The author takes an extreme view, roundly scoring Monroe for the errors of judgment he may have committed. The old accusation that Monroe represented the French party in the United States rather than the administration was revived. Altogether, Tracy makes no allowance for the possible good that Monroe may have accomplished in his mission.[33] At first Monroe planned to answer an attack which was so full of personal abuse, but he finally concluded that it was more dignified to remain silent, and to let his own pamphlet speak for him.[34] Jefferson, who supported him in this decision, did not consider an attack so obviously prejudiced as that of Scipio worthy of serious attention, nor did he consider that it had exerted any great influence.[35]

Besides these articles against Monroe in the public press,

[31] John Taylor to Monroe, March 25, 1798, Monroe Papers, 8, 1030.
[32] Timothy Pickering to Washington, January 20, 1798, Washington Papers, 86.
[33] Scipio's Reflections on Monroe's View, Boston, 1798.
[34] Monroe to Thos. Jefferson, March 26, 1798, Writings of Monroe, 3, 106–15.
[35] Thos. Jefferson to Monroe, April 5, 1798, Jefferson Papers, Series 1, Vol. 7, no. 222.

many leading Federalists expressed in private conversations their opinion of his View. Pickering wrote to Washington that, like Randolph's Vindication, Monroe's defense condemned itself. Pickering called to Washington's attention an extract from La Gazette Nationale of Paris which the American minister at Lisbon had sent him. The editor of the paper, in reviewing Monroe's View, declared that his demand for the reasons of his recall could not have been granted without putting the government at the mercy of its agents.[36] Certainly according to modern diplomatic usage this latter point was well taken. Oliver Wolcott hysterically termed Monroe's book "a wicked misrepresentation of facts," and declared that his conduct was detested by all good men. He hardly considered that it would make any impression in regard to the character and merits of the administration "beyond the circle of Tom Paine's admirers."[37] James McHenry echoed Wolcott's partisan opinion, declaring that Monroe's defense had been little read, and that it had made no converts to his party. As a consequence he believed that the author had greatly sunk in popular opinion.[38] John Adams even went so far in his hostility to Monroe as to write a bitterly scathing letter to one of the signers of the farewell address sent to Monroe upon his recall by the Americans then resident in Paris.[39]

Perhaps the most conservative view of the whole affair by a contemporary who was intimately acquainted with the facts is that given by John Quincy Adams in his Life of Monroe. He considers that Monroe had endeavored to be consistent with his instructions in his attitude toward France, while Jay had tried to follow the same course in England. An inevitable conflict arose from the fact that they represented opposite parties. Under the circumstances it was

[36] Timothy Pickering to Washington, January 20, 1798, Washington Papers, 86.
[37] Oliver Wolcott to Washington, January 30, 1798, Washington Papers, 86.
[38] James McHenry to Washington, February 1, 1798, Washington Papers, 86.
[39] Jno. Adams, to J. M. Forbes, February 6, 1798, Works of Jno. Adams, 8, 505.

hardly possible for Monroe to perform his duties to the full satisfaction of an administration in which the Federalist influence was predominant. Monroe had, therefore, felt himself compelled to come before the public with a defense. Adams considers that the publication of the View did not injure Monroe's reputation, and that in after years he came to forget the bitterness of party strife, recognizing the greatness of Washington and the merits of his old enemy, Jay.[40]

The difficulty of Washington's position in trying to keep peace between the Anti-Federalist and the Federalist parties and to avert war by the appointment of Monroe and of Jay seems to have been fully appreciated at the time. That Washington almost certainly had not been a party to Randolph's deception of Monroe as to the Jay treaty has already been shown. His motives in sending Monroe and Jay seem to have been fairly estimated in both France and England. In the French State Papers is found a summary of the conduct of the American government toward France from 1789 to 1797. This paper declares that Monroe had been appointed as a well-known friend to France in recognition of the recall of Genet. It also releases Washington from all blame for the deceiving of Monroe and, incidentally, of the French minister as to Jay's real powers. Finally, the author declares that the President, who had tried to keep the peace between the two parties, was so harassed by false representations that he recalled Monroe.[41] The statement by Fauchet that Washington had recalled Monroe in order to cast on him the odium of the French enmity that had been incurred is discredited by this paper, which undoubtedly gives the official French version of the matter.[42] The British representatives to the United States, Hammond and Bond, both held the opinion that Washington's motive in appointing Monroe was to send a minister acceptable to

[40] Lives of Jas. Madison and Jas. Monroe, J. Q. Adams, 249–52.

[41] Observations on the Conduct of the Government of the United States toward France from 1789 to 1797, by M. Otto, Henry Adams Collection, Adet, 1795–97.

[42] A Sketch of the Present State of our Political Relations with the United States of America, Jos. Fauchet, tr. Philadelphia, 1797.

France in order to keep the peace.[48] The conclusion, in view of all this evidence, is that the French and British views, which were practically the same, were true, and that Washington, in sending Monroe to France, had earnestly sought to avoid a war.

A curious paper in Monroe's own handwriting which has been preserved in his correspondence contains his observations on the reasons that induced the House of Representatives to ratify the Jay treaty. The merchants and the government, he considered, favored it. The House feared that the failure of the British government to carry out in full the treaty of 1783 and the continued seizures would be ascribed to non-ratification of the Jay treaty, and that, consequently, they would receive all the blame. Also, the members opposed to the Jay treaty probably apprehended that, if they refused their assent, the President and the Senate might push the treaty at the risk of civil strife. The success of the administration under such conditions would have proved fatal to the Republican party, although the first large vote in the House had shown their strength. Moreover, Monroe declared that it was the policy of England to separate the United States and France. Whether she would carry out the Jay treaty was uncertain; it was possible that she was only temporizing and did not really intend to execute it. Above all, Monroe held that, if the United States stood well with France, the object of England would be defeated, for in his opinion, in proportion as the good understanding between these countries was diminished, the views of England would be promoted. Monroe then recounts his several efforts to conciliate France. If, he avers, the treaty with Spain had been accomplished wholly with the aid of France, the President could hardly have ratified the Jay treaty. Monroe, therefore, presents these views and expressly declares that he has already thoroughly discussed the matter with the Minister of Foreign Affairs.

[48] Hammond to Grenville, May 27, 1794; Bond to Grenville, January 22, 1796; Henry Adams Collection, Hammond, 1793–94; Bond, 1795–96.

France, Monroe concludes, should show specifically where the Jay treaty interfered with her engagements with the United States. Unless this is done, she should preserve the friendship between the two nations. Though the United States is now in a weak condition, Monroe is assured that the country is expanding into a power of the first order and will eventually repay England for the indignities thrust upon her. This document shows plainly Monroe's predilection for the French alliance. It would imply, from the context, that the views herein expressed had been given to the French Minister of Foreign Affairs as well. Indeed, the internal evidence of the undated document would seem to prove that it was intended for French perusal. If so, it was a distinct breach of confidence, and presents a most important testimony that Monroe, in his zeal for peace with France, had far overstepped the bounds of propriety, and was even advising the French government what steps to take in opposition to the American administration, emphasizing as he had the position of the House as the representative distinctly of the popular will.[44]

In summing up the aspects of the mission of Monroe to France, it cannot be denied that, despite mistakes, he had endeavored to forward the objects for which he was sent. This study has shown that Monroe accomplished almost all of the matters set forth in his instructions.

He secured the recall of the French decree which had operated so harmfully against American commerce. The list of vessels that suffered under the operation of this decree shows the importance of this service. While he did not secure immediate payment, Monroe received a promise that France would settle for the damages already inflicted upon American commerce.

Monroe had protected the interests of American citizens in France, protesting when the least injustice had been shown them. As a guarantee of American interests, he had tried to make the consular service as efficient as possible.

Monroe's aid had proved most efficient in securing the

[44] Monroe Papers, 1, 9.

treaties with Algiers and Spain, especially with the latter, where French aid was of very great importance. The evidence shows that it is is very doubtful if these treaties would have been successfully negotiated had Monroe not used his influence with France.

Most important of all, Monroe had succeeded in keeping the peace with France through a most critical period. Assured that the United States had already deceived them as to Jay's real powers, the continued secrecy of the provisions of the Jay treaty strengthened the suspicions of the French officials. Nevertheless, on at least two occasions Monroe by his representations prevented the despatch of a special envoy to protest against the Jay treaty. Such a mission would undoubtedly have produced much harm, and might possibly have led to war. The attitude adopted by the French government after his recall shows how effective his personal representations had been in preserving the friendship for the United States.

Monroe failed to carry out one of the chief points of his instructions. Instead of denying all reports of two parties in the United States, one in favor of France and the other, as exemplified in the executive policy, opposing an alliance with that country, Monroe had posed as the representative of the American people in opposition to the government. Yet this attitude does not appear to have been an intentional one. It was a blunder arising from Monroe's lack of judgment and his too impulsive wish for a closer union between the United States and France. Frank himself to a fault, Monroe had a mistaken idea of what diplomatic candor implied. His correspondence with friends in America and his ardent friendship for France had placed him before the French government as the representative of the American people rather than of the administration.

The American administration had not been wholly blameless. After Monroe had once been appointed to the mission to France he should have been treated with perfect confidence. The full extent of Jay's powers had been concealed

from him, and he had been made the means of carrying out this deception upon the French government. The Secretary of State's own admission shows that this deception on his part was intentional. Such action, together with the studied indifference to which Monroe was subsequently subjected, naturally threw him into the arms of his friends, the opponents of the administration.

The conclusion of the whole matter is that mistakes were made by both Monroe and the administration, but both, from their respective points of view, had acted with the best intentions. With American commerce continually subject to depredations, the United States was obliged to make a peace with both Great Britain and France that would put an end to spoliations, or else to go to war. Knowing how unpopular the Jay treaty would be, the administration sought to conceal its provisions until it had been ratified, justifying the means by the end in view—the safety of American commerce. Monroe appears to have been most conscientious in trying to do his duty as he conceived it. That he accomplished the greater part of the objects of his mission cannot be denied. His mistakes are to be ascribed rather to lack of judgment than to any intention of wrongdoing.

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The Madison Papers, Vols. 5 and 20.
The Short Papers, 1794–97.

In the Department of State.

Credences, Vol. 1.
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Instructions, Vols. 2 and 3.
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PRINTED MATERIAL.

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American State Papers, Foreign Relations, Vol. 1.
James Monroe, D. C. Gilman, American Statesmen Series.
Lives of Jas. Madison and Jas. Monroe, J. Q. Adams.
Correspondence of the French Ministers to the United States, 1791–97, ed. Frederick J. Turner, Report of the American Historical Association for 1903, Vol. 2.

In addition to Monroe's View contained in the third volume of Mr. Hamilton's edition of the Writings of Monroe, the following pamphlets, found in the Library of Congress, have proved of much value:

Observations on the dispute between the United States and France, R. G. Harper, London, 1797.
Sketch of the Present State of our Political Relations with the United States of America, Jos. Fauchet, trans. Philadelphia, 1797.
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